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OUTFITTING AND GUIDING ON THE
NATIONAL FORESTS IN THE WESTERN
UNITED STATES

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PROJECT REPORT

OUTFITTING AND GUIDING
ON THE NATIONAL FORESTS
IN THE WESTERN UNITED STATES

Professional Development
for Outdoor Recreation Management

Clemson University
Clemson, South Carolina

FINAL REPORT
May 1983

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He holds a Bachelor of Science degree in Physical Education and Recreation, as well as Forest Management from the University of Montana (1958-61). He obtained a Master of Science degree in Forest Recreation from Utah State University in 1970.

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TABLE OF CONTENTS

	<u>Page</u>
Abstract	i
I. A Management Challenge.	1
History of Outfitting	1
National Forest Recreation Visitor Use	2
Outfitting Revenues	3
Resource Impacts.	4
Administrative Dilemma.	5
Goals of this paper	6
Statement of the Problem.	7
Hypotheses.	9
Delimitation of Study	10
Basic Assumptions	11
Limitations of Study.	12
II. Review of Literature.	13
Resource Impacts and Decision Making.	13
Social and Legal Implications	20
Economic Considerations	26
Political Implications of Decision Making	30
III. Procedures.	35
IV. Analysis and Discussion of Problem Issues	37
Resource Impacts and Decision Making.	38
Social and Legal Implications	49
Economic Considerations	61
Political Implications	63
Permit Administration Issues/Problems	69
V. Conclusions and Recommendations	72
Literature Cited	77

A. Economics of Outfitters

- Commercial Advertising
- Permit Sales
- Idaho Sports Net Millions
- Jackson Hole Boating Operation

B. Resource and Social Impacts

- Wilderness Campsite Impacts
- User Conflicts
- Overuse Versus Close-the-Door

C. Social and Legal Implications

- Wilderness Public Rights Fund versus Kleppe, et. al.
- Outfitters Opposed to Permit Bid
- Government to Allow Permit Sales

D. Political Implications

- Newsletter to Outfitters
- Letter to Deputy Chief from Governor
- Can the Outfitters Survive the Bureaucracy?

E. Administration of Permits

- Operating Plan (sample)
- Outfitter Policy (newly proposed national policy)

ABSTRACT

This paper describes various complex factors influencing Forest Service administrators' decision making on commercial outfitting and guiding occurring on National Forest lands and waters.

Those decision making factors include:

1. Resource and social impacts.
2. Social and legal implications.
3. Economic considerations.
4. Political considerations.
5. Administrative procedures/problems.

As recreational demands grow for use of limited or legislatively controlled lands and waters, impacts are occurring that are not compatible with many land management objectives.

On many National Forests, excessive numbers and types of outfitting are occurring on lands and waters to capture a long-term share of limited recreational opportunities. In a growing number of cases, recreational opportunities are being allocated to commercial outfitters, who are not willing to relinquish or reduce their allocation to nonoutfitted users as demand patterns change. Nonoutfitted users must go through lotteries for a chance to use the resource, when commercial clients do not.

The commercial outfitting industry has established a strong lobby in Washington, D.C. That lobby has effectively gained the support of Congressional members who have voiced support for continued long-term assurances favoring increased security to outfitters. The nonoutfitted user has no such forum, organization, nor political support.

Meanwhile, Forest administrators attempt to establish a national outfitter policy that will recognize the need for outfitter services while, at that same time, allow latitude in professional decision making to protect resources and provide equitable opportunity for all users.

This paper discusses the foregoing factors and provides recommendations which, if implemented, will help re-establish control of a situation that has rendered management less than acceptably effective over the past 30 years.

The opinions expressed herein are those of the author and do not necessarily represent the opinions or views of the Department of Agriculture or the USDA Forest Service.

OUTFITTING AND GUIDING ON NATIONAL FORESTS
IN THE WESTERN UNITED STATES:

A Management Challenge
Chapter I

INTRODUCTION

Outfitting and guiding services have been offered to outdoorsmen throughout the United States for over a century. Guiding was a way of life for mountainmen in the 1820's as they pioneered the great expanses of the west. Author Bernard DeVoto's (1947) description, in his book entitled, Across the Wide Missouri, talked about famous guides Kit Carson, Jim Bridger, William Ashley, Jedediah Smith, and many others. DeVoto vividly illustrates what an important role these men played in guiding settlers to the west. Jim Bridger guided Sir George Gore of Ireland on a Montana hunt in 1847.

President Theodore Roosevelt was an avid hunter and outdoorsman. He utilized the services of outfitters and guides and was instrumental in the establishment and management of wildlands that became a part of Federal Forest reserves in 1905. Robinson (1975) relates that recreation as a management concern, in the Forest Service, became recognized by Congress in 1915, when the leasing of Forest land was permitted for summer homes, hotels, stores, and other recreation related facilities (38 Stat. 110 (1915) 16USC § 497). It was in 1915 that special use permits were issued by the Forest Service for commercial purposes.

Recreational use on the National Forests grew from 4.7 million visits in 1924 to 18 million in 1941. Visits dropped during the war years, but nearly doubled by 1953. In 1960, use increased to 92.6 million visits. In 1970, use was 172.6 million visitor-days and a projected use of 250.6 million visitor days in 1980.

The outfitter and guide industry captures a portion of that use and provides a broad spectrum of services. Most of their business is conducted on National Forest lands and waters where an array of recreational opportunities exist. Outfitting and guiding services include



"Helicopter Ski Guiding," relatively new activity.

hunting, fishing, backpacking, horsepacking, cross-country skiing, helicopter skiing, river rafting, dory-boat floating, jet boating, float-plane transport, survival schools, kayak schools, mountain climbing, sightseeing, and photography.

In the 1970's, hunting, fishing, and river floating drew the largest income revenues and the largest number of participants compared to other outfitter activities. Holman (1981) reported that in Montana in 1979, there were 430 licensed outfitters who provided services to 23,650 clients. Those clients spent \$26 million in Montana. Applying a multiplier factor, an estimated \$70 million was generated and circulated into the State's economy as a result of the initial \$26 million expenditure.

In Wyoming in 1980, Crowe (1982) reported 1,563 outfitters and guides provided services to hunters and fishermen who spent \$7 million on those services. Total expenditures for hunting and fishing were \$163.5 million.

Blake (1982) reported, in the State of Idaho in 1980, there were 395 commercial outfitters licensed and 895 guides. There are no data readily available on expenditures by clients for outfitting and guiding services. However, gross revenue generated by float-boat outfitters on the Middle Fork of the Salmon River was about \$2.3 million in 1981.

One can readily see from these figures that outfitting and guiding is a major contributor to the economy in Montana, Wyoming, and Idaho. The

outfitting industry contributes greatly to local communities within these States. Small communities like Hamilton, Montana; Pinedale and Jackson, Wyoming; and Salmon, Idaho, are examples of towns greatly dependent upon revenues generated from hunting, fishing, boating, and outfitting serving these activities. The Jackson Hole Outfitter and Guides Association (1981) reported 1,391 hunters spent an estimated \$1,218 each for outfitting service in 1980. Direct sales from hunting generated by the outfitting industry were estimated to be \$2.4 million for that year in the Jackson area alone. Each outfitter in that locality employed 2.5 people on a year-round basis as well as 10 part-time employees. This economic contribution is generated during the slack part of the tourist season, i.e. post-summer tourists and pre-ski season.

Financial contributions are not known for other communities cited in the preceeding. These communities, however, are typical "hub" locations depending greatly on hunting, fishing, float boating, and tourism for economic sustenance.

While economic and social benefits to the community and State are recognized by National Forest administrators, there is a point where land and water resources may be overused and placed in jeopardy. Back-country trails, meadows, lakeshores, and campsites are in many cases overused and damaged from excessive numbers of horses, frequency of visits to the same sites, excessive numbers of people, and by careless use of sites. Examples of campsite impacts are discussed by Researcher David N. Cole in his January (1982) study entitled, "Wilderness Campsite

Impacts: Effect of Amount of Use." These damages are not all caused by outfitters and their clients by any means. The nonoutfitted public also contributes significantly to site degradation. It is the cumulative impact by all users that results in long-term damage to backcountry resources.

As the demand grows to use the same recreational settings, the non-outfitted visitor must compete with the outfitted segment of the public for his share of the same scenic spot, campsite, river, lake shore, or fishing hole. In many instances, historical preference for sites can be claimed by many outfitters because they operated in popular areas prior to the increased presence of "do-it-yourselfers." This competitive issue tends to channel the Ranger into regulation of use and the establishment of allocation systems for all visitors.

Whichever group is limited or restricted, the Ranger and Supervisor become the targets of wrath and criticism from those users. As permit systems are initiated and restrictions are placed on users, pressures are placed on Forest administrators through political and administrative channels to reduce or to abandon restrictions.

Typically, the greater the population affected by proposed management restrictions, the more controversial and politically "hot" the issue becomes. Ultimately and typically, a Senator or Congressman comes to the support of the adversely affected "businessman," in this case, the outfitter. He feels that his earning capacities are threatened by (and they may indeed be) irrational and ill conceived decisions made by

bureaucrats who do not understand his business, nor impacts upon the resources. He typically defends the point that his resource impacts are minimal and that controls, if any are needed at all, should be placed upon the nonoutfitted segment of the public because they are the users causing most damage.

Robinson (1975) discusses the influence of special interests (pp. 257-283). Political pressures often result in a reduction in the stringency of restrictions or a reversal of management prescriptions. Such actions greatly reduce the effectiveness of the Forest Ranger and Forest Supervisor's professional resource judgement and decision making.

The goals of this analysis and discussion are to:

1. Illustrate the complexity of formulating management decisions relating to outfitting and guiding on the National Forests.
2. Illustrate some current weaknesses and strengths in the administration of outfitter/guide permits.
3. Discuss implications of short- and long-term decisions regarding outfitting and guiding on the National Forests.
4. Recommend some actions that should be taken to improve and strengthen the management of outfitting and guiding operations on the National Forests.

In summary, commercial outfitting and guiding has been a part of the use of National Forest lands since the establishment of the National Forests. Commercial operations were approved and encouraged by Congress as early as 1915. Outfitting and guiding contributes significantly to local and state economies. It provides opportunity to hundreds of thousands of recreationists who prefer to be supplied and guided by skilled professionals. These clients would not, in all probability, use the National Forests without professional assistance (Mathews 1981). As demand for recreational opportunity increases, supply remains fixed and is being steadily impacted. Forest Service managers must maintain and sustain the quality of recreational settings the public is "loving to death." Regulations and management prescriptions constraining use are often found unacceptable. Social, economic, and political considerations frequently override professional, bureaucratic recommendations. Management of the outfitter and the public he serves becomes a most challenging dilemma to the Ranger and Supervisor. The outfitting issue has not been given the degree of attention and emphasis at all levels within the Forest Service that it deserves.

STATEMENT OF THE PROBLEM

Administrative decision making, affecting the outfitting and guiding industry, is significantly influenced and complicated by considerations of (1) impacts affecting resources and user experience levels; (2) social and legal implications - competition for use; (3) economics; (4) politics; and (5) administrative procedures/problems. The challenge for making sound resource decisions is becoming more complex and conse-

quential. There is growing evidence to indicate that protection of recreational resources and their unique qualities, as well as acceptable allocation of those resources more commonly are becoming subordinated to considerations of economics, politics, and needs of special interest groups. These trends are occurring in spite of professional preferences and recommendations made at the land managers level.

Commercial outfitting and guiding on National Forest lands is one of those special interest groups impacting recreational resources and their qualities, and commanding a sizeable share of the allocation. To deal effectively with the outfitting industry, Forest administrators must have an in-depth understanding of the outfitting business and possess skill in dealing with their representatives. The administrator must also possess a keen understanding of land management objectives and the need for resource protection. He must also have an unusual sense of responsibility towards all of the entities being affected by decisions.

As a result of great pressures, Rangers and Supervisors can become influenced to not make controversial management decisions despite their professional preferences. When their decisions thwart commercial businesses or reduce public use of a popular area, controversy is inevitable. When issues become elevated to higher levels of authority, which they usually do, ground-level decisions are often overridden. District Rangers and Forest Supervisors have learned to anticipate such controversies and avoid such battles, if possible.

When the Ranger and Supervisor are overridden by higher authority, in favor of an individual or special interest group, the administrator's credibility suffers and the appellant or special interest group gains a stronger bargaining position. This has recently occurred with the outfitting industry. That issue will be discussed in Chapter IV.

Continued reduction in the land manager's authority and ability to make professional judgements regarding recreational resources will ultimately result in degradation of the resources and experience levels people seek to enjoy. Prudent regulation of use and limits on usage is crucially necessary to provide continued opportunity of high quality for generations to come.

HYPOTHESES

1. Continued political pressure to overturn and constrain Forest administrator decision making will, in the long run, increase degradation of the Forest environment and will decrease the quality of recreational experience people seek.
2. Lack of limitations on the numbers and types of outfitters operating on National Forest lands will contribute significantly to overuse and abuse of prime recreational sites. It will also limit the opportunity of the nonoutfitted public to use the same lands and waters.

3. Growing political power of the outfitting industry will make reductions or termination of permits, where excess usage is in effect, extremely difficult for Forest administrators implement.
4. Lack of clear and measurable objectives and effective implementation in land management planning can be blamed, in part, for loss of control of resource protection and allocation.

DELIMITATIONS

This study focuses on outfitting and guiding operations on National Forest lands occurring primarily in Idaho, Wyoming, and Montana. Reference may be made to specific issues that have occurred in other western states to make a specific point. Very little economic data or industry data are available from outfitter organizations or Chambers of Commerce. Some of the issues discussed will be based upon personal experience gained over 15 years of administering outfitter/guide permits. Those experiences included, attending numerous outfitter association meetings, meeting with state outfitter board members, dealing with legal counsel representing the Forest Service and the outfitters, reviewing and preparing appeal responses, and dealing administratively and socially with the outfitters in the field. A number of administrative and law enforcement experiences have also been gained over the same time frame.

Additional reference may be made to conversations held with outfitters, state or federal officials on issues of pertinence.

BASIC ASSUMPTIONS

- User demand for recreational opportunity on National Forest lands and waters will continue to grow.
- Resource impacts will continue to increase as use levels grow.
- Growing demand will ultimately result in rationing of use to the outfitted and nonoutfitted publics. It has already in many places. Nonoutfitted publics will want equal access.
- There will continue to be political pressure placed on National Forest administrators by outfitter organizations and politicians to eliminate or reduce restrictions on outfitter operations and to assure outfitters of long-term commitments.
- There will be increasing pressures placed on National Forest administrators by environmental organizations to reduce impacts in designated Wilderness areas and in other specially designated areas such as wild and scenic rivers.

LIMITATIONS OF THE STUDY

This study will not establish absolute evidence that the hypotheses presented will be proven with a high level of precision. In many instances, data are not available to show growth, supply, and demand within the outfitting industry.

This presentation will, however, provide reasonable evidence to show that management problems do exist today and will, with a high degree of probability, become more complex and controversial in the immediate and distant future.

Recommendations will be made to better meet land management and recreational objectives.

Review of Literature

Chapter II

Administrative decision making affecting the outfitting industry is significantly influenced by considerations of need for protection of recreational resources, social and legal implications of growing competition for use of National Forest lands and waters, economics, politics, and administrative procedures/problems.

Continued reduction in the land manager's authority and ability to make professional judgements regarding recreational resources will ultimately result in degradation of resources and a reduction in user satisfaction levels.

It is appropriate that a review be made of reference documents that relate to the various considerations made by the resource manager influencing decision making on resource protection and recreational allocation.

RESOURCE IMPACTS AND DECISION MAKING

One of the first and foremost considerations influencing the land manager is impacts to recreational resources and the effects of those impacts upon visitor's experience levels.

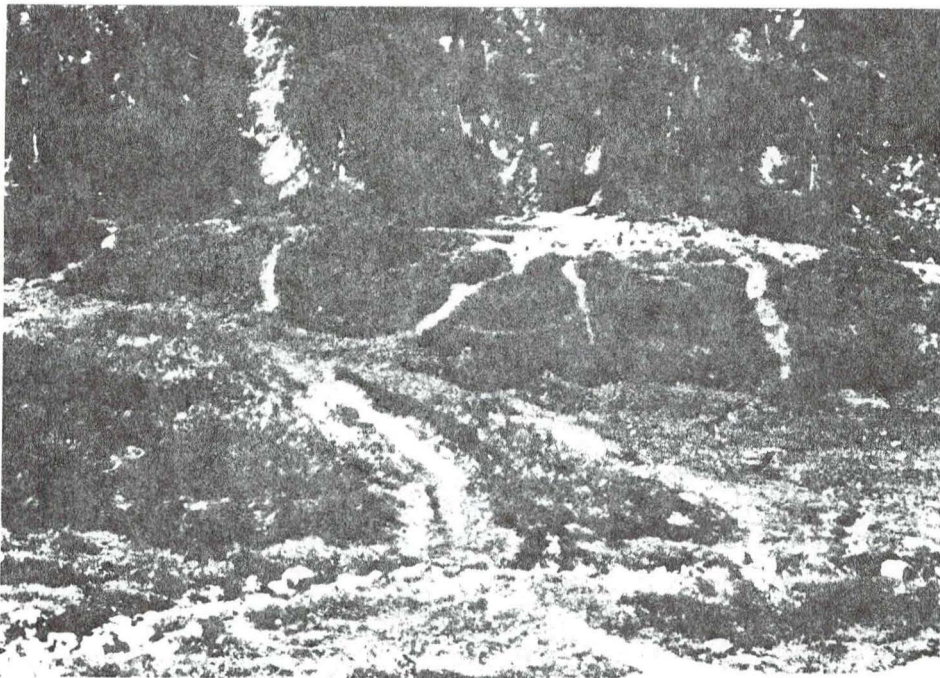
As coauthor of a publication entitled, "Wilderness Management," in (1978) John Hendee states,

"Resource professionals are challenged to develop effective approaches to wilderness management now - while there is still time to develop management policies and strategies by design - rather than wait until problems are racing out of control and our efforts can, at best, be reactions to pressing needs."

A predominant share of outfitting and guiding occurring on National Forest lands and waters is within designated wilderness. This is a particular challenge to the land manager because protection of resources is mandated by law through the 1964 Wilderness Act, that Act states, in part:

"...An area of wilderness is further defined to mean in this Act, an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions ... with the imprint of man's work substantially unnoticable ... has outstanding opportunities for solitude or a primitive and unconfined type of recreation ... (section 2(c)).

While protection of wilderness resources are mandated by law, there are other laws, both Federal and State, that allow commercial outfitting and guiding on the same lands. Growth in outfitting activities, as well as increased nonoutfitted use of remote lands and waters, has added impacts of notable magnitude in primary travel zones. David Cole's



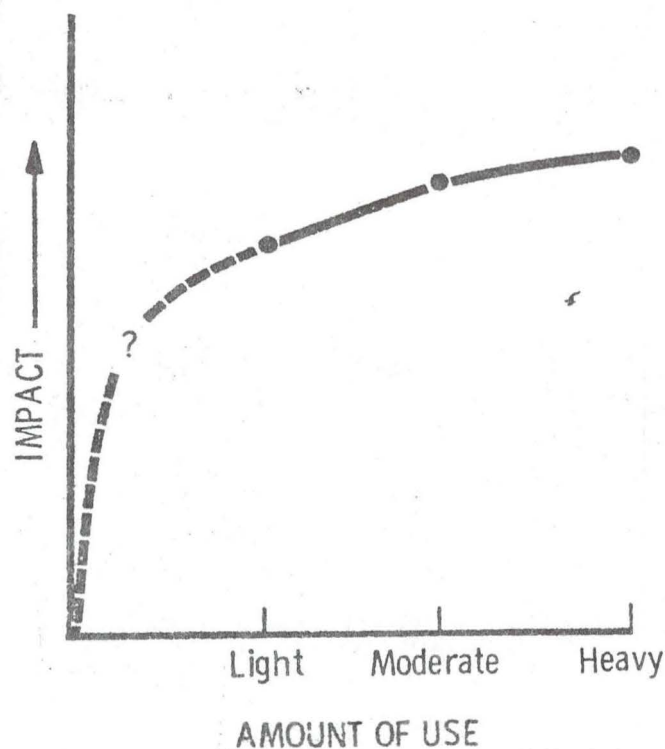
Multiple trails developed in a wilderness campsite.

study entitled, "Wilderness Campsite Impacts" (1982), indicates that the moderately used campsites (10 to 20 nights per year) he examined in the Eagle Camp Wilderness in Oregon changed in the following ways:

1. From 85 to 90 percent of undergrowth vegetation has been removed.

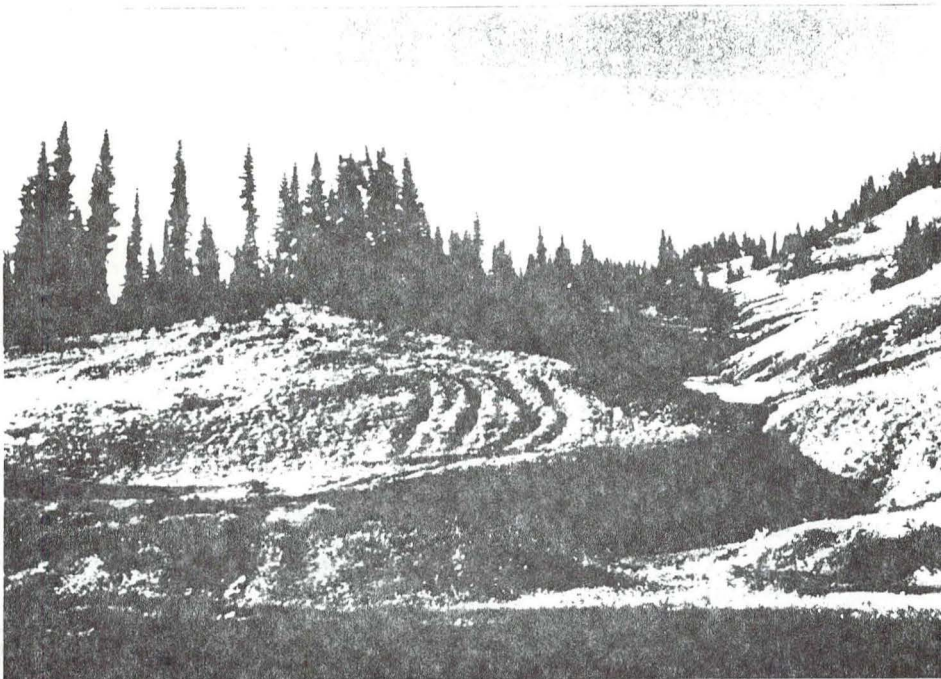
2. About 30 percent of the organic material has been worn away exposing patches of mineral soil.
3. Essentially all of the trees on the site have been damaged by recreational users. One fourth of the trees in and around the site have been felled and another fourth substantially scarred.
4. About one third of the trees in each site had roots exposed.
5. Over 90 percent of the seedlings have been eliminated.
6. Soil has been impacted about 15 percent and water infiltration rates decreased by 30 percent.

From Cole's data, he displays the following relationship:



He states that conclusions are difficult to draw from sites that receive light use. However, results of moderate to heavy use are better understood.

In the book entitled, Wilderness Management, (Hendee, Stankey, and Lucas 1978) a number of campsite and travelway impact studies were



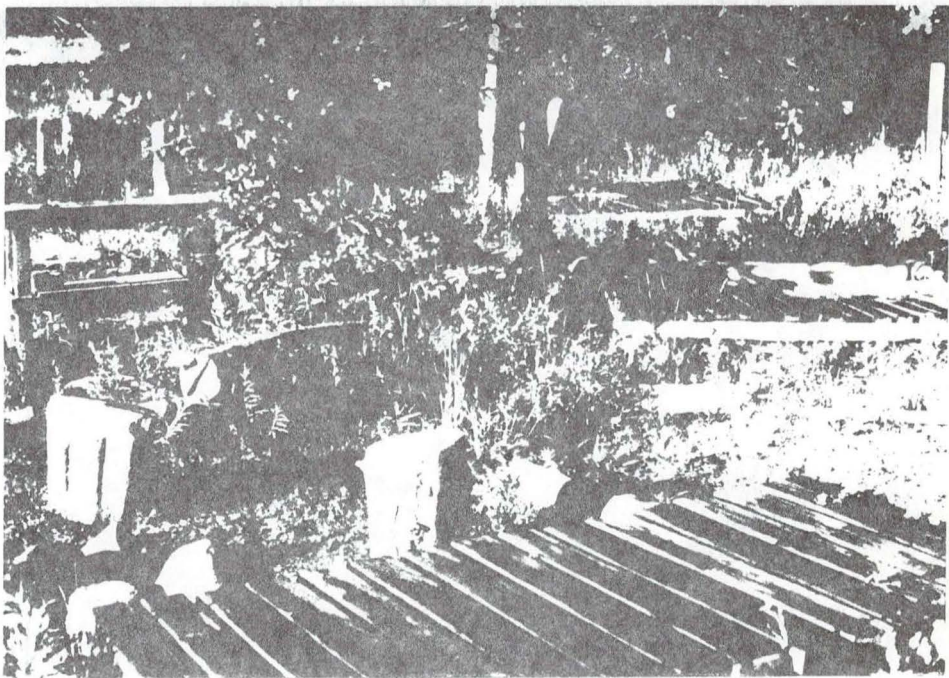
Multiple trails formed by pack strings moving to preferred routes.

referenced. Frissell and Duncan found in (1965) that over 80 percent of the ground cover was lost at campsites in the Quetico-Superior Wilderness with only light use.

The variance in impacts caused by different types of users was studied in the Spanish Peaks Primitive Area in Montana by Frissell in about 1975. He found that campsites predominantly used by stock were devoid of 42 percent of vegetation and ground cover. Those sites used by

hikers were only 6 percent devoid of vegetation. Horse party camps averaged 10 times the impacted area. He found the one-half of the sample campsites were in a condition of deterioration and needed special management attention.

Another element the manager must consider in his decisionmaking process is the degree of impact, both ecological and social, that man and animal's influence is having upon the user's satisfaction. Two primary points of dissatisfaction among recreationists using wilderness appears to be interruption of solitude and signs of man's "heavy hand." Some sites are left with makeshift tables in place. Other sites have tent frames and other structures standing where group camps have been a tradition.



Tent floors and table (left rear) in a wilderness outfitter camp.

A number of studies have been conducted over the past decade which point to user dissatisfaction caused by various intrusions of man. In (1973), Stankey found that 75 percent of the visitors he surveyed in three wilderness areas in Montana, Wyoming, and Utah experienced notable declining satisfaction with increased visitor contact. Those surveyed felt even more dissatisfied where encountering horse groups. In addition, virtually all contacted objected most strongly to litter intrusions and unsightly campsites. He found this factor caused more dissatisfaction than the same people encountering other individuals or groups. Stankey also found that those surveyed would rather encounter one larger group of people than several small groups.

Much of the research described in the foregoing relates to human satisfactions to "carrying capacity" in wilderness or on rivers. In their study entitled, "Carrying Capacity: Maintaining Outdoor Recreation Quality" (1971), Lime and Stankey define carrying capacity in terms of that level of satisfaction which can be supported without "...excessive damage to either the environment or the experience of the visitor."

In summary, much research has been done in the analysis and assessment of physical and social impacts and carrying capacities in wilderness and on rivers. It is apparent, upon review of this literature, the lessons to be applied are not being implemented as readily as they could be. Wilderness and river management plans are not, in many instances, addressing management goals and objectives as clearly

and precisely as they might. Conclusions to be drawn from this portion of the literature review indicate that:

1. Adverse impacts of a physical and social nature are occurring at a verifiable and increasing rate in prime recreation settings.
2. Managers, as planning and implementation continues, are not taking as much advantage of research findings as they could be.
3. Managers are not establishing limits for outfitting in Forest land and resource management plans.

SOCIAL AND LEGAL IMPLICATIONS (Growing competition for use of prime recreational lands and waters.)

The demand for recreation opportunity on National Forest lands and waters is increasing at an unprecedented rate. Competition for use of key recreational resources is evidenced through the numbers of applicants for limited access in wilderness areas and on many managed rivers. There is evidence of growing discontent by users who apply for permits and are not successful.

Applicants consider a permit to float the Selway Wild and Scenic River in Idaho an ultimate experience and a highly valued opportunity. Managers allow only one launch per day through the float season. There are approximately 45 floatable days feasible through-

out the season. Up to 20 persons per launch are allowed. Only four commercial float companies operate on the Selway under special use permit from the Forest Service. A total of 16 launches are allocated to the 4 commercial floating firms per year. A possible number of 1,232 persons could float the Selway per season if water conditions were optimum and each launch group booked passengers to capacity. About 3,500 persons apply for a private permit each year, affording opportunity for 61 noncommercial launches.

On the Middle Fork Wild and Scenic River, flowing 100 miles through central Idaho, use figures show that 500 persons floated the river in 1960. In 1980, 8,000 persons floated the river. The Recreation Management Plan (1973) establishes the carrying capacity at seven launches per day. The plan provided for four private (noncommercial) launches and three commercial launches. Two-hundred and ninety (290) noncommercial permits are available through a lottery system to the private floater during the control season (June 23 - September 3). In 1978, there were about 1,500 applications processed. In 1980, there were approximately 3,000 applicants.

A change in the application system was made by Forest Service officials for the float season of 1983. A telephone call-in was established, rather than the traditional written and mailed application. The first-come, first-served telephone system was opened on February 5, 1983, at 8 a.m. All available slots were filled by 10 a.m. Ted Anderson, (1983) Middle Fork River Manager, stated he was informed by telephone authorities that a backlog of 150,000 phone calls were

overloading circuits at one time coming through the Boise, Idaho, telephone circuitry. He also indicated that 50,000 calls had, at the same time, been backlogged through the Salt Lake City telephone circuitry. Complaints from applicants resulted in a barrage of phone calls and letters to the Ranger, Forest Supervisor, and Regional Forester.

The point of this discussion is to illustrate a demand that was unknown through the previously used system (written application). Disappointment levels were high and complaints were numerous through the use of the telephone system. Criticism was re-established concerning the ease with which commercial passengers are granted access to the river compared to the noncommercial user.

An ongoing issue of controversy centers around the ease, fairness, and equity of obtaining a permit by a commercial client as compared to a noncommercial floater. An organization called the Northwest Chapter of the Wilderness Public Rights Fund (WPRF), represented by Mr. John Garren, has challenged the Forest Service establishment of an unacceptable and unfair system of granting float opportunities to noncommercial floaters. More will be said about Mr. Garren's argument in Chapter IV. His complaint has recently been voiced to the Chief of the Forest in the form of an appeal of the (1973) Recreation Management Plan - Middle Fork of the Salmon River.

Another form of competition for opportunity to use limited resources exists between the numbers of commercial clients floating the Middle Fork versus nonoutfitted persons. In 1970, approximately 3,000 persons

floated the Middle Fork. Of these, about 2,100 were commercial clients, compared to about 900 noncommercial floaters. In 1981, 3,976 commercial clients floated, compared to 2,579 noncommercial persons (Anderson 1983).

Competition grows for opportunity to use wilderness areas as well as popular rivers. In 1965, visitor use of National Forest Wilderness and Primitive Areas totaled about 4.2 million visitor days. In 1975, usage had grown to 7.2 million visitor days (Hendee 1978). Figures for 1980 indicate 9.3 million visitor days (Annual Report 1979). In the chapter entitled, "Wilderness Use and Users: Trends and Projections," Researcher Robert Lucas points out that the average annual increase in wilderness use has been 7.1 percent per year from 1960 to 1975. It is evident, from the use figures presented, that popularity for wilderness recreation will continue to grow at a predictably increased rate. As management constraints and restrictions are placed upon users, commercial and noncommercial alike, competition for those seeking opportunity will grow. The inevitable controversy that accompanies restriction and constraint can also be predicted to occur. Indeed, that controversy is evidenced between the commercial and noncommercial user today. Mr. Garren in (1981), expressed his concerns on behalf of noncommercial users at a presentation entitled, "Change in River Use Allocation Needed." He expressed, as he has before, the concept that unfairness is highly visible in the permit systems now being employed by the Forest Service and other agencies. He stresses that civil and equal rights are being violated.

On the other side of the controversy, Mr. Dick Linford expressed his perspective, as Vice-President of the Western River Guide's Association. In that presentation to a National Recreation Allocation convention group, Mr. Linford stated:

"I would like to begin by saying that this conference is as sad as it is timely. It's timeliness is obvious. It is sad because it is, among other things, an official recognition of a conflict between old friends and allies who are now adversaries in a struggle for access to an ever shrinking resource, the Amercian Wilderness..."

"The issue here has been brought to a head primarily by the nonoutfitted, or private users, who feel that they have been short-changed in the present allocation systems. They feel that their access to rivers has been unfairly limited compared to that of the outfitters and their clients."

Mr. Linford defends the outfitters need for a substantial portion of a limited allocation because of the service provided a large segment of the using public. He stresses the need for unencumbered freedom in the marketing and booking of clients. He believes there are other means of increasing the efficiency of utilization of access to the rivers for the nonoutfitted without adversely affecting the commercial sector.

The solutions Mr. Linford proposes in his presentation, however, will not achieve the equity and fairness the nonoutfitted are seeking in a permit or access system. More will be said on this issue in Chapter IV.

Other restrictive systems have been established in wilderness areas in an effort to reduce physical, biological, and social impacts.

Management in the Golden Trout Wilderness, located on the Sequoia and Inyo National Forests, is another example of management actions needed and implemented to reduce the physical and social impacts in a highly popular recreation setting.

The Wilderness is within a four-hour drive from Los Angeles where the majority of users originate. In 1979, use was 72,700 visitor days; in 1980, use increased to 114,000 visitor days.

A carrying capacity has been established for various travel zones within the Wilderness. That capacity is related to the quota and permit system which maintains numbers of users below the area's capacity. The Interim Management Plan (1982) relates:

"Very few user conflicts have been reported, and only a few campsites show signs of erosion and loss of vegetation."

Prior to the establishment of the mandatory permit system, literally hundreds of people swarmed through this Wilderness on weekends. At a presentation given to a Forest Service Wilderness Management group in Salt Lake City in (1981), Ernie DeGraff, Recreation Officer on the Inyo National Forest illustrated on video-tape the throngs of people camped at lakeshores and moving like armies of ants up trails. These people, when interviewed and shown on videotape, indicated strong concurrence that a permit system was needed to reduce biological impacts as well as social impacts. They indicated that restriction through a permit system would be well preferred over the consequences of current crowding.

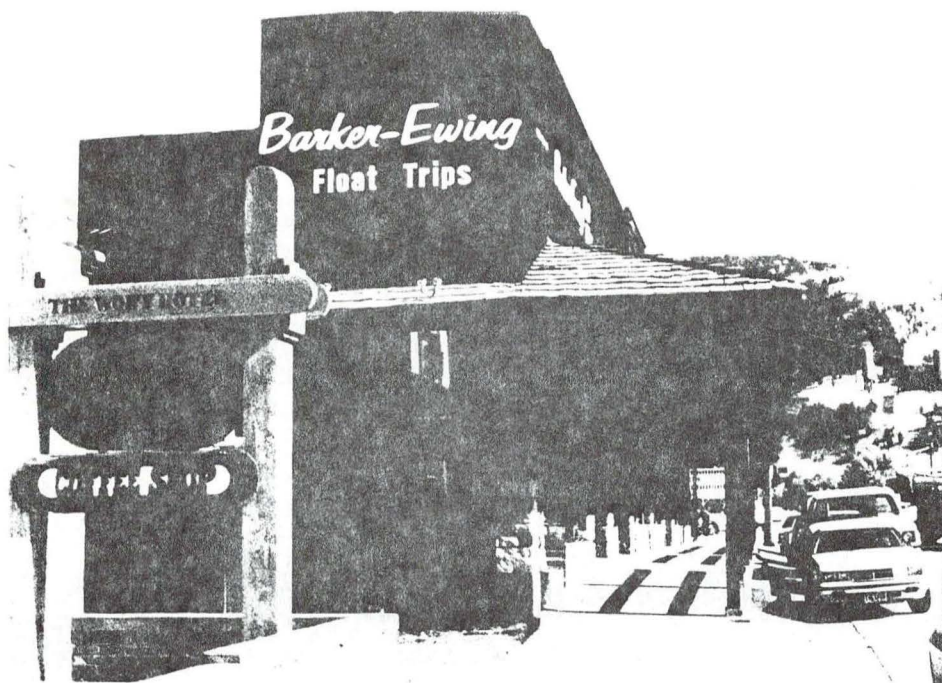
ECONOMIC CONSIDERATIONS RELATED TO THE OUTFITTED AND NONOUTFITTED
PUBLIC

Decisions related to resource management and the establishment of allocations for commercial and noncommercial use of National Forest lands are highly influenced by economic consideration.

Many of the Western States depend heavily on tourism as an economic source of revenue. In Montana, the dollar value associated with tourism in 1979 was \$371 million. Net tourism income was calculated at \$70 million.

Outfitting, as stated in Chapter 1 (page 2) was calculated to have yielded \$26 million. Of the 430 licensed outfitters in Montana, 1979, they had a combined investment of \$30.2 million in stock and equipment. They served 23,650 clients (Holman 1981).

In Wyoming in 1980, hunters and fisherman spent \$7 million on outfitter services. Total expenditures in the State were \$163.5 million for hunting and fishing (Phillips 1981). Estimated gross receipts generated from river outfitters operating on the Snake River near Jackson, Wyoming, were \$1.2 million in 1981.



Headquarters for commercial floatboating outfitter on the main street, Jackson, Wyoming (1982).

In Idaho on the Middle Fork of the Salmon River, it is estimated that 30 boating outfitters generated about \$2.3 million in 1981.

A report recently issued by the U.S. Department of Interior and Commerce shows that hunters and fishermen spent \$150 million in 1980 in the State of Idaho. The survey was taken in Idaho interviewing State residents. The expenditure did not apparently include monies spent by nonresidents for hunting and fishing. Those contributions would increase the total by an estimated 10-15 percent (appendix A).

There are about 1,700 commercial outfitter/guide permits issued annually by the Forest Service, according to the Forest Service Land Use Report (2790-LUR15:10/1/81). Of that number, it is further estimated that 519 of those are issued in the Intermountain Region (R-4). It is suspected that the 519 figure is conservative, because the Idaho Outfitters and Guides Board reports there were 395 licensed outfitters in Idaho in 1982. Part of this total operates within Idaho and north of the boundary of the Intermountain Region.

From the 519 outfitters permitted by the Forest Service in Region 4, it is estimated they generate about \$22.3 million per year. (Blake 1982).

Invested capital is sizeable in the outfitting business. Values indicated for stock and equipment in Montana would be comparable for other Western states (particularly for Idaho and Wyoming) because of similarity in the types of services offered the public.

A study of monies invested and generated by nonoutfitted recreationists becomes even more difficult to analyze because little attention has been aimed at the National Forest visitor. Clynn Phillips (1981) has

shown in his 1981 Wyoming study that \$163.5 million were expenditures for hunting and fishing in that state. Of that amount, \$7 million was spent on outfitting and guiding, but the remainder was expenditure for equipment, travel, food, licenses, and other items.

Recreation industry spokesman Derrick Crandall, President of the American Recreation Coalition in Washington, D.C., presents figures that Americans spend \$244 billion on recreational endeavors annually.

Sales for recreation equipment are growing. A presentation made by Dan Baxter in (1980) representing Campways Rafts said, sales were growing over 50 percent per year and had been since 1978. Those rafts sell from \$1500 to \$3000 each. Verne Huser made a presentation in (1977) at a Symposium for River Recreation Management and Research. His topic was "Industry Responds to the Explosion in River Recreation." An example of equipment sales growth was Grumman canoes. For the first time in 30 years, sales increased at the rate of 25 percent per year. They are now selling between 75,000 and 80,000 canoes annually. Raft rentals at the Nantahala Outdoor Center increased from 75 in 1972, to 1750 in 1976.

H. Ken Cordell, in his study entitled, "Pricing for Allocating Low Density Recreation Use Between Private and Commercial Users of Natural Areas," makes a strong case for charging fees to all users of public recreation resources. He states that not only is there a revenue earning opportunity for state and Federal agencies, but charging market

value fees will reduce crowding and help managers reduce impacts. He indicates people are willing and ready to pay for recreational opportunity.

Jack R. Cole (1981, President of Grand Domain Retreats, also makes a strong case in favor of charging National Forest users fees for recreational opportunity. He shows that substantial Forest Service revenues could be gained by assessing the 240 million visitor days (users) \$2 each. The yield would be \$480 million in cash receipts. He believes such fees would provide badly needed revenue for resource protection and management and reduce impacts by placing recreation values in the market place. Mr. Cole makes the point that many State Parks and Recreation agencies are approaching self-sustaining budgets using the fee system.

The foregoing studies and analyses clearly indicate that investments in recreational pursuits are significant and of consequential, economic magnitude. Certainly, the decision making process the land manager applies in his policy making must carefully consider economic consequences.

POLITICAL IMPLICATIONS OF DECISION MAKING

A detailed discussion will be pursued in Chapter IV on the effects of political pressures influencing land management decisions. However, a few examples of written documents will be illustrative to support this

point. A number of political interests are actively concerned about the management of recreational resources on National Forest lands.

State governments have a role and vested interest in the outfitting industry. The economic state-of-affairs, as well as the social well being of the residents and visitors, are of great concern to state officials. The leading political influencer is industry's organizations. In the outfitting industry in the Western United States, groups include the Idaho Outfitters and Guides Association, the Montana Outfitters and Guides Association, the North American Outfitter's Association, the Western River Guides Association, the Wyoming Outfitter and Guides Association, and the Utah Guides and Outfitters. There are many such professional organizations in virtually all states featuring outfitting services. They become very active and vociferous when land mangement decisions are made that affect or threaten their mode of operation.

In Idaho, a state recognized and Governor appointed Board functions under the name of Idaho Outfitter and Guide's Board. As a state entity, it is responsible to:

1. Qualify outfitters and guides and issue licenses.
2. Prescribe and establish rules of procedure and regulation, and insure they are being implemented and enforced.
3. Conduct hearings and proceedings to suspend or revoke licenses.

4. Cooperate with Federal and state authorities.
5. Carry out the necessary actions to insure that legal actions are taken, when necessary, to uphold the state's outfitting and guiding regulations.

The Idaho State Outfitter's Board establishes the number and types of licenses to be issued. This problematic issue will be discussed in more detail in Chapter IV, however, it should be pointed out that the numbers of outfitters operating in a given area on National Forest land may be in conflict with social and ecological carrying capacities determined by the Ranger or Forest Supervisor.

Other states have similar controlling agencies. In Montana, outfitting and guiding is controlled and licensed by the Montana Outfitters Council. This is a legal arm of the Fish, Wildlife and Parks Department. It was established in 1972. Its duties are the same as those described above (Holman 1981).

Whenever proposals are made by the Forest Service to change or alter the traditional mode of operations with the outfitters, the professional associations and the state boards normally oppose or intervene to get the proposal modified or nullified, depending on the consequences of the issue. A proposal made in 1975, to reduce the numbers of floatboating outfitters through attrition on the Middle Fork of the Salmon River, as described in the 1973 Management Plan, generated instant controversy. The outfitters demanded a hearing with Regional

Forester Verne Hamre, Regional Forester Steve Yrich, Forest Supervisor Bills, Ranger Sam Warren, and the attendance of numerous state and Congressional officials. Other related issues were also being proposed by the Forest Service with the outfitters at the same time. These included use of power saws in wilderness, semi-permanent camp facilities, mandatory garbage pack out, allocation, transfer of permits and tenure, and criteria for determining commercial, educational, and private use. This proposal brought the attendance of two representatives from Senator James McClure's office, representatives from Congressman George Hanson, and D. John Hough, representing Governor Cecil Andrus. In total, 38 members of organizations and agencies were formally listed as attendees.

The meeting resulted in an agreement that for the most part favored the wishes of the outfitters, i.e. no reduction in commercial floaters on the Middle Fork would occur.

A more recent 1982 proposal to change the Forest Service outfitting policy on a national basis was introduced by the Chief's office. It proposed increasing fees to the government, competitive bidding for issuance and re-issuance of outfitter permits, a change in policy regarding transfer of permits, and a concerted effort to reduce and discontinue "rogue" or illegal outfitting. This proposal, not only stirred up concerns from the outfitters, but resulted in a deluge of letters and meetings protesting such changes (Issue Analysis 1982).

Letters were sent to Chief Peterson, from Governor Evans of Idaho, Governor Herschler of Wyoming, Congressman Santini of Nevada, Congressman Larry Craig of Idaho, and Senators McClure and Symms of Idaho (Hershler, et. al. 1982).

Discussion on points made by these and other interests will be made in Chapter IV. Suffice it to say that great political interest and concern was generated from the 1982 outfitter proposal. The response it created illustrates the sensitivity and reactivenss of interest groups and individuals affected by proposed policy changes.

Procedures

Chapter III

The purpose of this study is to provide an informative reference for National Forest managers engaged in outfitting and guiding decision making. The paper discusses some of the key elements to be considered in the issuance and management of outfitter permits. The paper reflects on some of the past actions that have occurred and offers some management perspectives that may help Rangers and Supervisors improve decisions made in the future regarding outfitting operations on their Districts or Forests.

A review of studies and presentations was made to illustrate some of the physical and social impacts occurring in prime recreational settings. Those settings include popular rivers and wilderness areas where rapid growth in use and demand is causing degradation. An attempt has been made to present research evidence to show that impacts are occurring.

Other studies are cited to illustrate the growing demand for prime recreational opportunity and the growing conflict generated by limiting or placing constraints on use. Those studies highlight the conflicting allocation issue between the outfitted and non-outfitted publics.

A review and discussion of the economics of outfitting and guiding are made to show the importance of that industry as a public service on National Forest lands. The service provides thousands of people,

unequipped and unskilled, an opportunity to enjoy recreational settings they would not likely experience otherwise. The economic data illustrate the relative financial gain and contribution of the outfitter industry to individuals, communities, and states.

Examples are made of existing barriers to preferred resource decision making and fair allocation of opportunity. Political ramifications are highlighted to illustrate what the land manager is faced with when stringent control efforts are made at a time when business operations are firmly established. Proposals and documents of correspondence are used to illustrate political implications and their effect on policy making.

Discussion is also made in Chapter IV of the weaknesses and strengths of administration of various types of outfitting and guiding operations. Permit administration issues vary between outfitters using horses in their operation, compared to river outfitters, backpackers, or skiing operators. Personal administrative experiences are called upon for this assessment.

In the final chapter, conclusions and recommendations are presented to help managers integrate some of the concepts presented into applicable procedures.

Analysis and Discussion
of Problem Issues

Chapter IV

In this chapter an analysis and discussion are made of the elements of the problem.

The problem is that administrative decision making affecting the outfitting and guiding industry is significantly influenced and complicated by considerations of (1) impacts affecting resources and user experience levels, (2) social and legal implications--competition for use, (3) economics, (4) politics, and (5) permit administrative issues.

There is growing evidence to indicate that protection of recreational resources and their unique qualities, as well as acceptable allocation of those resources, are becoming subordinated to considerations of economics, politics, and meeting the needs of special interest groups. There is nothing new or unique about this "tug-of-war" phenomenon, but it is growing to a more critical stage in this era of National Forest administration. Great competition for use of lands and waters is creating conflict and discontent. National Forest managers are held responsible for resource decisions and user satisfaction levels. They attempt to justify administrative actions, basing decisions on the needs of all users. The administrator is caught in a demand squeeze between professional judgment and political pressure. In most instances, the strongest and most influential entity wins the "tugging contest."

RESOURCE IMPACTS AND DECISION MAKING

A basic and immediate dilemma develops for a resource manager when the objectives for management are to protect and enhance land and water values while providing for recreational opportunity. The 1964 Wilderness Act and the 1968 Wild and Scenic Rivers Act establish these objectives.

Forest Service managers have provided for and promoted recreational use of the National Forests. As the "boom" in outdoor recreation has occurred, little has been done to control or limit the flow of people into popular recreational settings. Managers have not, in many cases, planned or reacted quickly enough to reduce the flow of traffic or to divert it through controls.

In many instances, use patterns and growth have already exceeded capacities. Once users, and particularly commercial entities, have established use-levels and access expectancy, it is difficult to limit or "turn-off-the-tap." This has particularly been the case with the growth in commercial outfitting on National Forest lands. Once businesses have established high levels of income, through quality service, promotion, and advertising (appendix A), it is virtually impossible for the land manager to reduce the number of outfitters, nor is it acceptable for the land manager to limit the number of customers or reduce the number of trips the outfitter makes in order to reduce impacts or afford others opportunities.

In many situations, the outfitters had businesses established prior to the influx of nonoutfitted users who are now competing for the same resource and opportunity.

The challenge, then, for today's land management planners and administrators is to recognize the competitive nature of demand for resources and opportunity and to attempt to bring land management and people usage into balance. Hendee (1978) points out that "now is the time to develop management policies and strategies by design, rather than wait until problems are racing out of control and our efforts can, at best, be reactions to pressing needs."

Ernie DeGraff points out (1981) the values of early planning and implementation in heavily used recreation areas. He said,

"You can't start too early with planning. Unless you plan your management of wilderness, you will end up being a reactionary. You will react to situations that are happening and how much better it is to anticipate and prevent, rather than react and correct."

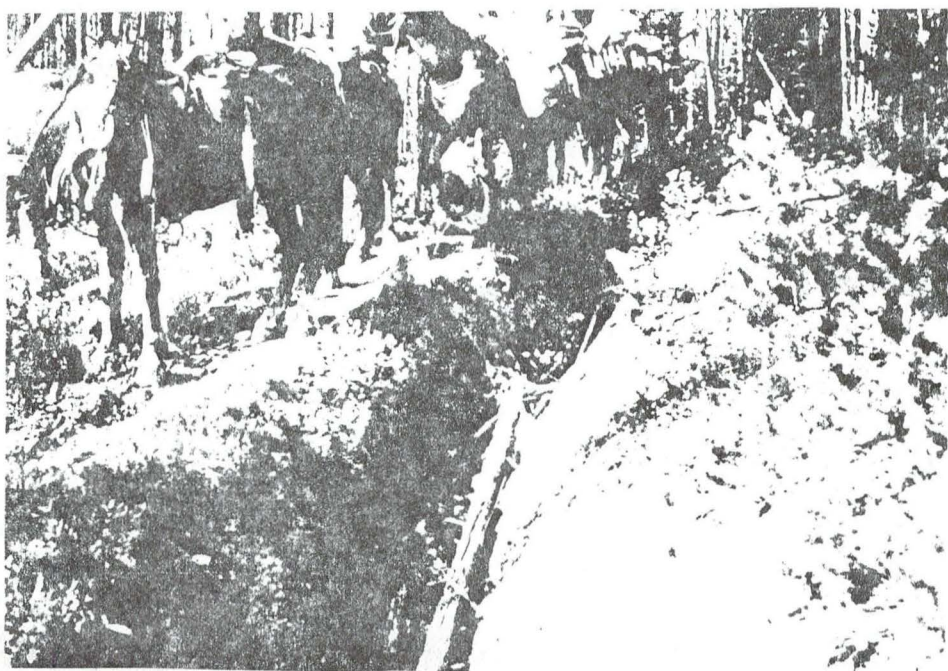
He points out that, prior to the implementation of a wilderness permit system on the Inyo National Forest, between 600-800 people per day were going up the Whitney Trail. After the permit system was implemented, total numbers per year were the same, but use periods were leveled out and spread over different times of the week and season. More people were routed to less used areas. Interviews with users illustrated that people were happier with the new system which resulted in a reduction of crowding.

Heavy impacts have occurred in popular wilderness areas where high visitation has been ongoing. Most of the impacts to trails and adjacent campsites have been from horse and pack stock. Frissell (n.d.) did studies in Montana's Spanish Peaks Primitive Area.

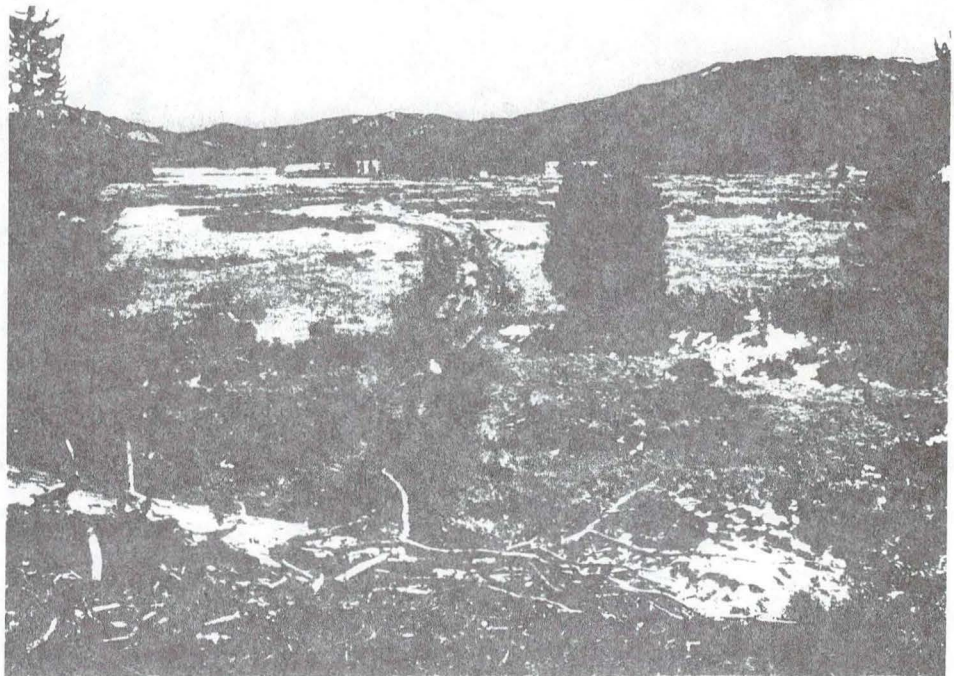
He determined that horse party camps averaged 10 times the impacted area of other user sites. He found that one-half of the sample campsites were in a condition of deterioration and need special management attention.

Trail systems are also impacted severely from pack and saddle stock. When the ground is wet in the spring and early summer, pack animals sink into the ground and widen-out trails. Horses and mules avoid wet areas by climbing out of trails to walk on trail shoulders. Riders or wranglers seldom are able to keep horses in the track. As a result, multitrails or stringers occur accross meadows and in the openings.

Another phenomenon occurring to trails is "troughing." Repetitive trailing of stock in soft soils causes trails to wear in depth, sometimes 2-3 feet. Flowing rainwater will increase trail depth and cause gully action. Pack stock then walk shoulders, creating trails on either side of the original track.



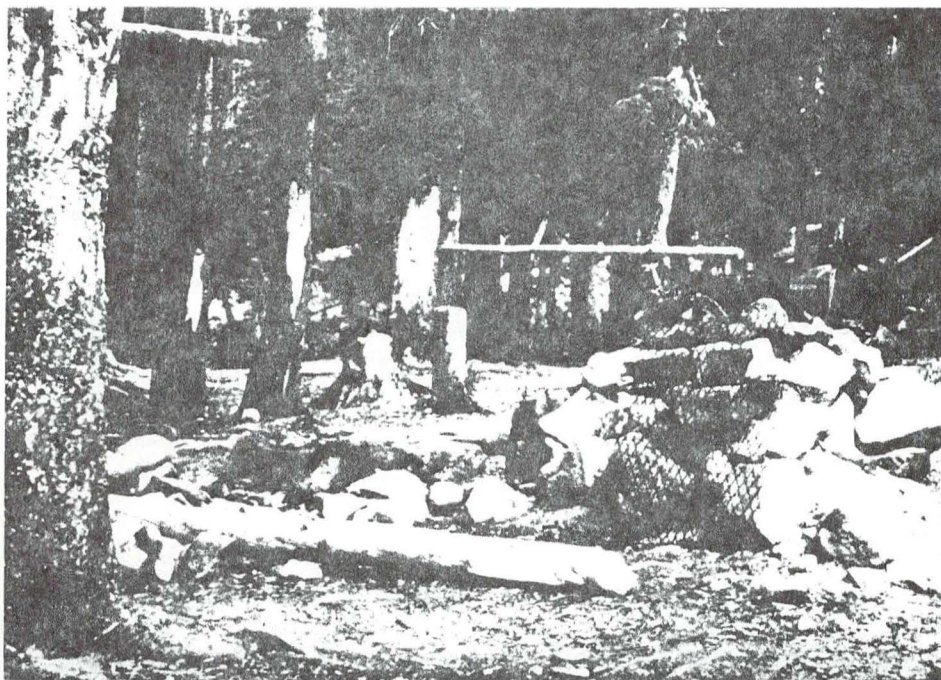
In some wilderness settings, trails are wide enough to accommodate four-wheel-drive vehicles for miles. Most of the original widening resulted from thousands of pack animals (over decades) following popular thoroughfares. In the years from 1940 to 1960, few regulations existed limiting numbers or requiring pack stock to be tied one-to-another. Consequently, horses would fan out and travel side-by-side through open areas. In many instances, after dropping clients and equipment off in the backcountry, wranglers would herd untied horses home and back to trail heads.



Multiple trails formed from pack stock in a wet wilderness meadow.

On one occasion, the author, when serving as a wilderness administrator, encountered a single outfitter at a camp where 75 head of riding and pack stock were located. At that time, in 1970, 60 head of stock were allowed in the Bridger Wilderness by any one outfitter. Later, numbers were reduced to 30 riding and pack animals per outfitter. That regulation generated high levels of debate and political confrontation by outfitters using the Bridger Wilderness.

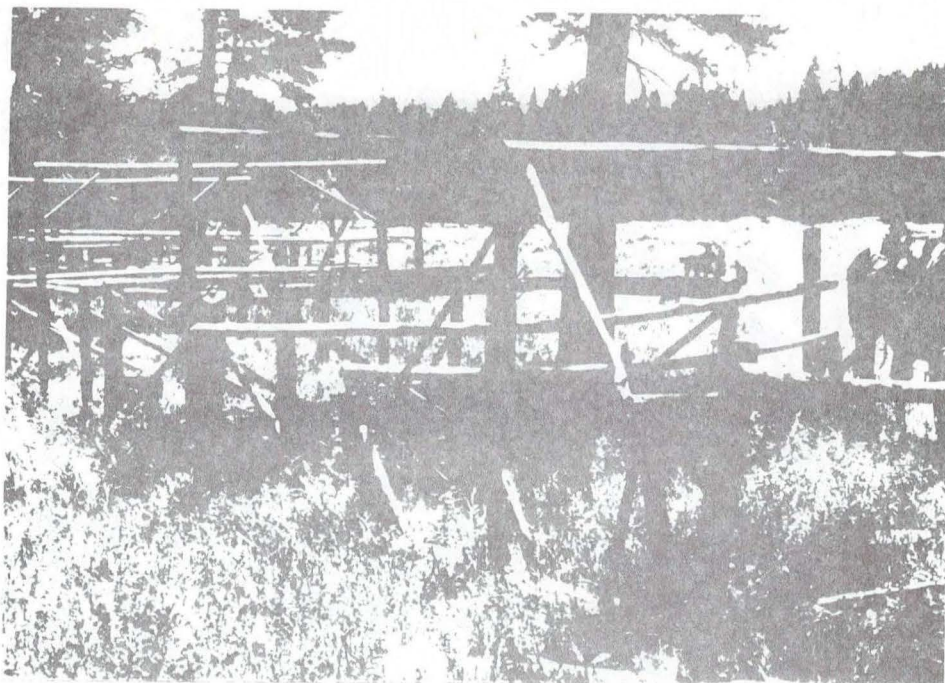
Outfitter camps are usually sites showing great wear and physical impact as Cole, Frissel, and others have shown. Corral areas are worn bare with only the presence of a few head of stock.



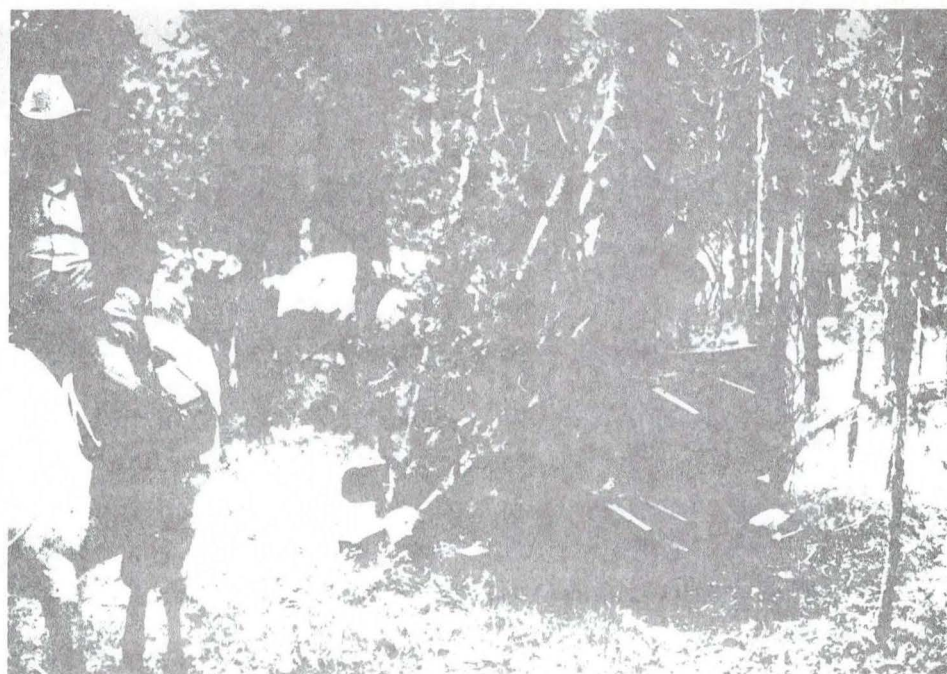
Not only is the ground worn bare of vegetation, but trees are girdled and rubbed from tying horses up. Roots are scraped bare from horses pawing at the ground. Holding areas are worn down and large accumulations of manure are prevalent. Normally creeks flow through or near the campsite where stock congregate and wear a muddy ramp along the watering area. In the warm summer periods, flies are a problem where livestock frequent.

Structures are a problem in wilderness areas where "the imprint of man's works," as stated in the Act, should be unnoticeable. Outfitters have argued with Forest administrators for decades over their need to erect and maintain camp structures and permanently providing clients with greater comforts for backcountry living. Wooden tent frames are

built and left after fall hunting ends. Usually, the living quarters develop into wooden walled structures with wood flooring.

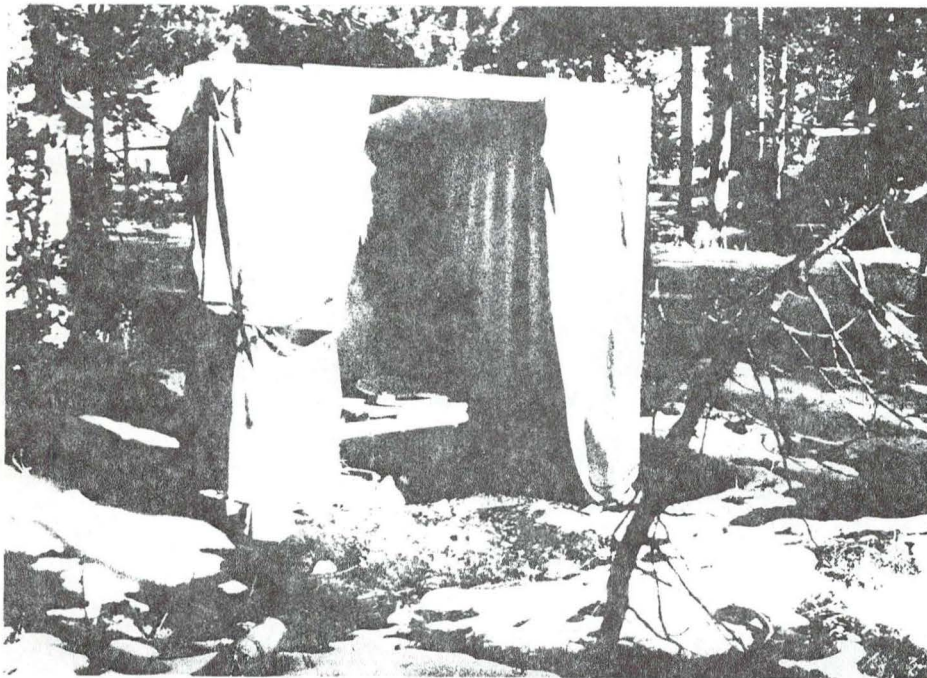


Metal stoves become another addition for warmth against the snow and cold. Stovepipes begin to accumulate in camps. In some cases, bed frames are built and box springs are transported into camps.



Cookshacks evolve into dining rooms furnished with long tables and chairs. Cupboards and food storage bins are needed to protect food from rodents and bears. Meat-hanging poles are placed between trees. Wooden coolers are built to protect game from bears, flies, and rodents.

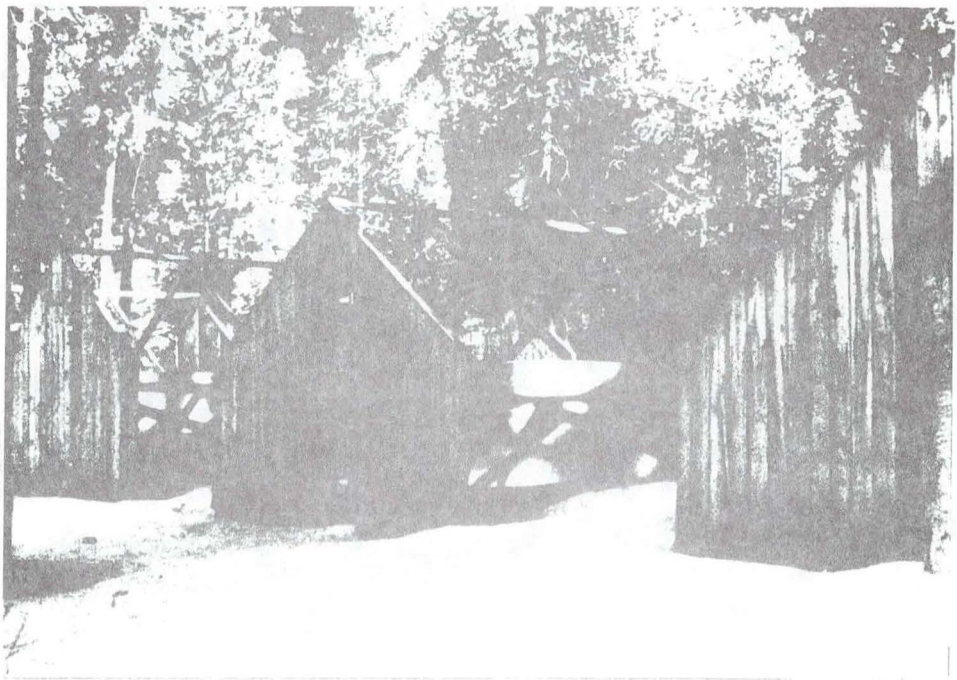
Outhouses are often developed into a structure of comfort. They are often found too close to streams that will become contaminated.



Any policy conjured up by Forest Service people attempting to reduce or eliminate these structures usually meets with a barrage of criticism. Such proposals are the main topic issue at outfitter meetings. The Ranger, being the culprit, is put into the proverbial hotseat and given the test of group pressure. In many instances, the battle is elevated to political leaders (state and Federal) where action is taken to subordinate or eliminate any actions that would affect business and

cause client hardship. Most clients are prompted by the outfitter to write their Congressman and ask for special consideration in favor of outfitters and guests.

One outfitter, known by the author, has at least two log cabin structures, with floors, located in a wilderness. All that is needed to add complete comfort is a full-sized roof. The outfitter, upon the designation of this area as wilderness, in 1980 was asked to remove the structures over a period of a few years.



The issue of concern has been, and continues to be: What impacts are acceptable in any given recreational setting? Are these impacts and structures acceptable within the intent of the (1964) Wilderness Act? Opinions vary on acceptable levels of impact.

The wilderness-structures issue plagues all Rangers administering commercial horse-featured operations. As wilderness management plans are developed and finalized, the issue of campsites and facilities will continue to be a major point of contention and political pressure by the outfitting industry.

An example of outfitter attitude toward Forest Service regulations can be illustrated by a presentation made by Holman (1981) of the Montana Outfitters' Council. He lists the following issues of concern by the outfitters:

1. "Continually revised interpretations of existing regulations by government agencies."
2. "Attempts to eliminate past approved policy and to dictate new policy which is contradictory to the intent of the Wilderness Act, directives of the Department of Agriculture, National Environmental Policy Act and historical use."
3. "Attempts to implement regulations on an ultra-purist basis."

"The issues above are over-implementation of regulations that require unnecessary use of public land, cause environmental impact on the resource, and in turn increase operating costs which must be absorbed by the outfitted public."

4. "Unwavering support by Forest Supervisors for acts of District Rangers dictating unapproved new regulations contrary to approved policy. Such an act forces the permittee into an appeal status costing months of combined outfitter time and thousands of dollars of outfitter money (in addition to taxpayer money) to pursue the appeal procedure."
5. "Inflated visitor-use day figures used to justify additional restrictions proposed to be placed on the outfitted public."
6. "Inflated visitor-use day figures used to attempt to justify regulations further limiting group size. This will result in further increasing outfitter cost which will have to be passed on to the outfitted public, the loss of potential profit, or the reduction in the quality of service to clients which outfitters are required by law to furnish."

7. "Using inflated visitor-use day figures to attempt to indicate minimal use by the outfitted public versus maximum use by the nonoutfitted public."
8. "Subjecting outfitters to a continuous barrage of proposals for new regulations."

Unfortunately, discussions on policy, generated between the outfitters and the Forest Service, tend to become adversarial and proposed regulations are not accepted as resource protective measures. Outfitters typically say, "those impacts are caused from the nonoutfitted user, not us." A point made by outfitter Jack R. Cole (1981) reinforces the outfitter position on impacts. He stated:

"The outfitter is under constant scrutiny. It is easy for Forest Service management to see how an outfitter is treating the resource. It's difficult to learn how private parties are treating it, and it's next to impossible to penalize private parties."

Physical impact to the resources is a major concern of the land manager. He must look at the impact issue from a past, present, and future point of view. He must also look at use trends and demands for recreational resources that he is charged to maintain and protect. He must consider all of these elements as he prepares management objectives and long-range prescriptions.

When his plans propose reductions in use, or permit systems to limit or redirect use in other localities, he is usually faced with political "war." The Ranger not only becomes a casualty of the "war," but the agency may have to fall back and "regroup." Support for Forest Service

decisions from Congressional constituents and Administration members is normally not made visible.

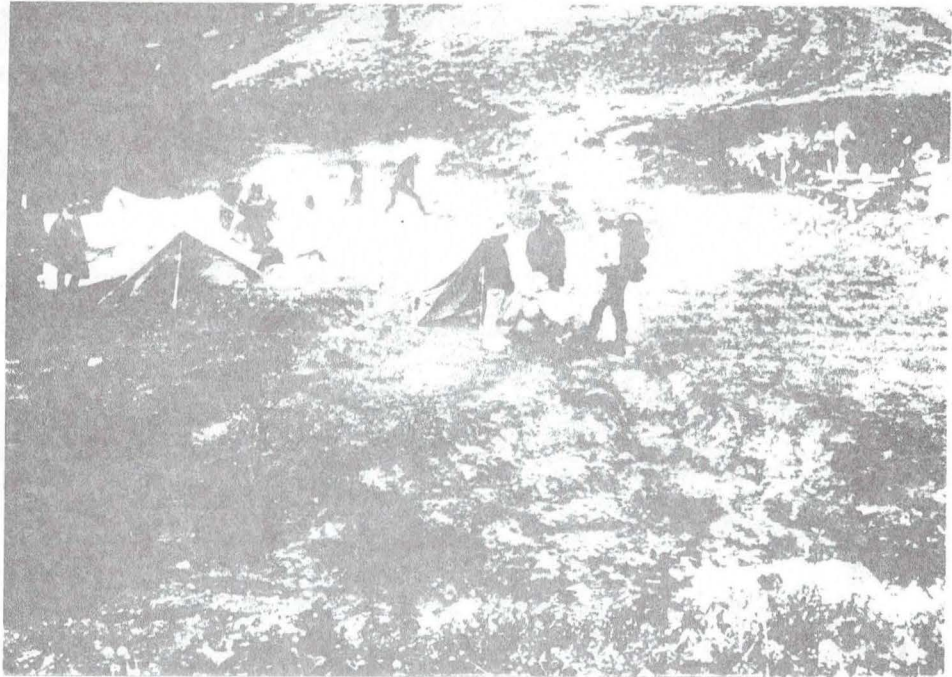
Planning technology is improving for backcountry-use assessments. More planners are preparing workable systems and documents that establish use levels for wilderness areas. The capacities are being established for units within a larger geographic area. Estimates can be made for social capacities as well as physical/ecological aspects.

SOCIAL AND LEGAL IMPLICATIONS (Growing competition for use of prime recreational lands and waters.)

For decades, Forest Service managers have been aware of the importance of solitude as a part of one's experience. Indeed, much of the discussion in the early part of 1900, favoring establishment of vast forest areas in a primitive condition, was based upon the mental values of renewal of mind and spirit (Leopold 1921).

As demand grows for recreational use of backcountry lands and waters, managers are further challenged to manage and to provide opportunity for adequate solitude. An effort must be made by planners and administrators to consider the element of crowding in a wilderness setting.

People's expectations of a wilderness environment will not be fulfilled when encountering hundreds of others on a busy thoroughfare trail or in a popular mountain lake campsite.



Campsite crowding in a wilderness setting.

In (1973), Stankey found that 75 percent of the visitors he surveyed in three wilderness areas in Montana, Wyoming, and Utah experienced notable declining satisfaction with increased contact. Those surveyed felt more dissatisfied when encountering horse groups. He also found that those surveyed would rather encounter one large group of people than several small groups.

Incorporating the findings of current research will help the planner and manager establish the appropriate levels of social contact. Data do indicate that solitude in a wilderness setting is important to users. This is particularly true in and around campsites.

There are indications that the do-it-yourselfer, or nonoutfitted public, tends to resent encounters with commercial groups. This resentment is manifested at meetings where do-it-yourselfers speak out. It is also manifested by letters of complaint that Rangers receive about excessive horse use. They often refer to the muddy "pot-hole" aftermath hikers must wade through following pack strings.

There are other social conflicts in wilderness settings. Large organized groups, such as Boy Scout parties, are often subjects of complaint. A noisy campsite is typical for young boys. Adjacent campers, who expect a quiet and serene experience, frequently complain to Rangers.

Coupled with growth in nonoutfitted wilderness and river use is a strong increase in the numbers and kinds of services provided by outfitters. The largest notable growth in outfitting has been the river-floating business. Verne Huser (1977) reported a number of



outfitter-growth statistics. Nationwide, canoe liveries (rental establishments) grew from 426 to 560 in 1975--a 31.4-percent increase. At the Nantahala Outdoor Center, Inc., outfitters on the Chattooga River in South Carolina experienced significant increase in raft passengers. In 1972, about 1,000 passengers floated with the Center. In 1976, 11,000 persons floated with them. In the Grand Teton National Park, outfitters served 16,610 passengers in 1966. By 1975, they were serving 75,300 passengers. Private use grew proportionally too. In 1966, there were 1,564 floaters. That expanded to 7,796 floaters in 1975.

According to Douglas Crowe (1983), outfitter growth in Wyoming was moderate from 1975 to 1980. There were 1,487 outfitters and guides in 1975 and 1,563 in 1980. These figures represent hunting and fishing outfitters only. Commercial float boaters in Wyoming do not require a State outfitting license. So little is known about their numbers and their growth patterns. Forest Service officials realize there is demand to get into the outfitter boating business in Wyoming.

Narrowing the focus down to specific areas, in 1975, there were 51 horse outfitters licensed to take guests into the Bob Marshall Wilderness in Montana. The same year, there were 45 outfitters providing pack service in the Selway-Bitterroot Wilderness in Montana. In 1982, there were 39 outfitters taking pack and hunting trips into the Teton Wilderness from the Buffalo Ranger District.

Growth in the outfitting business is controlled through the licensing process in the States of Montana, Wyoming, and Idaho. Other states have similar licensing agencies as well. Usually, licensing is carried out on a consultation basis between the Federal land manager and the state licensing agency. Agreement between the agencies is normally reached before outfitting licenses and Forest Service special use permits are issued.

Throughout this paper, research data have been presented to illustrate physical and ecological impact occurring in several wilderness areas. Social impact has also been discussed from a user's satisfaction standpoint. It can be concluded that, the greater the number of people and animals using an area, the greater the physical and social impacts become. The greater those impacts become, the less satisfying the experience level will be.

Establishment of use limits seems to be the only means to meet goals of minimizing resource impacts and providing opportunity for solitude. Dispersion of people and animals is another possible means to minimize impacts and provide for seclusion. However, where number of trails is limited, or if trails channel people into popular destination sites, dispersion is not always possible. Impacts are inevitable.

Rivers are single travelways that congest quickly, unless use levels are controlled.

DeGraff (1981) illustrated what control through a permit system accomplished in the Golden Trout Wilderness to reduce congestion and improve visitors' experience levels. Implementation of the Selway River Plan (1982) also resulted in a limited number of people on the river at any one time; i.e., one launch of 16 persons per day. The experience level affords maximum solitude while traveling through a wilderness featuring no physical or ecological impacts.

Had these two wilderness settings been allowed to grow unconstrained, the values people seek would have been destroyed. Those river runners who floated the Middle Fork of the Salmon River in the 1960's say it is not the high level of experience that it used to be. Virtually all persons involved in the management planning process for these rivers agree that limits were imperative.

Control of use seems to be the only logical way to protect the resource and provide opportunity for a quality experience. Use of a permit system appears to be the only means to control use at a desired level.

Management on the Middle Fork of the Salmon River is an example of a permit system accomplishing limitation goals while meeting the objectives of protecting resource qualities and providing opportunities for solitude. With those objectives met, Mr. Garren (1981) charges that Forest Service administrators have an inequitable and unfair permit system. He says the system "is believed to be illegal and discriminatory."

He and members of the Northwest Chapter of the Wilderness Public Rights' Fund basically believe that all applicants for permits to float the river should be treated equally. That is, all members of the public wishing to float the river should have to apply using the same procedures. He says, "those desiring the services of an outfitter should apply in the lottery for that opportunity as the nonoutfitted applicants must."

At present, those members of the public floating with a commercial outfitter simply contact an outfitter and make reservations to go. The nonoutfitted floater must apply through a lottery system and hope to be drawn out. Probabilities vary with the dates being applied for on the Middle Fork. Since water levels in July are highly desirable, more apply for dates in that month. Chances are about 1 in 15 that a person would draw a launch date in July. Chances become greater in June and August with the odds being about 1 in 4 (Middle Fork Ranger District Computer Lottery Statistics (1980)).

The Wilderness Public Rights Fund, represented by Mr. Garren as President, sued the Secretary of the Interior, Thomas Kleppe, and Gary Everhardt, Director of the National Park Service for unfair permit practices. The case was heard in the United States Court of Appeals, Ninth Circuit, on November 1, 1979, (608 Federal Reporter, 2nd Series. 1979). The WPRF charged the National Park Service administering the Colorado rivers with unfair actions in the allocation of permits between

commercial clients and nonoutfitted clients. As stated in the court records (p. 1253):

"Appellants contend that allocation between commercial and noncommercial use of the river (Colorado River in the Grand Canyon) is not an acceptable method of accomplishing a limitation of river use. They propose that anyone wishing to run the river should apply for a permit, leaving to him, if his application be granted, the choice between joining a guided party or a noncommercial party; that permits then be granted by lottery or on a first-come, first-served basis. They assert that the record establishes that such a method is feasible. They contend that there is no justification for allocating between commercial and noncommercial use, and that to do so amounts to arbitrary action; that it denies them 'free access' to the river contrary to 16 USC..."

The court's ruling stated:

"...If the overall use of the river must, for the river's protection, be limited, and if the rights of all are to be recognized, then the 'free access' of any user must be limited to the extent necessary to accommodate the access rights of others. We must confine our review of the permit system to the question whether the NPS has acted within its authority and whether the action taken is arbitrary..."

The court's decision and rationale was:

"Allocation of the limited use between the two groups is one method of assuring that the rights of each are recognized and, if fairly done pursuant to appropriate standards, is a reasonable method and cannot be said to be arbitrary. It is well within the area of administrative discretion granted to the NPS."

The court further added:

"Where several administrative solutions exist for a problem, courts will uphold any one with a rational basis, but the Secretary's balancing of competing uses must not be an arbitrary one."

This case was appealed to the United States Supreme Court on the thrust that equal rights were being violated. The Supreme Court denied hearing the case.

It is unknown at this point what members of the WPRF will do to further their cause. They have recently appealed the 1973 Middle Fork of the Salmon River Plan and the 1982 Salmon River Management Plan. Again, the basis of their appeal was the unfairness of the system of granting permits to the nonoutfitted applicant. Both appeals have been denied by the Chief of the Forest Service. The Chief did say in his response that subsequent revisions of the plans would include a review and consideration of the WPRF proposed system.

The nonoutfitted sector of the public has not been effective in changing river permit systems currently in use by the Forest Service, National Park Service, and Bureau of Land Management.

Few nonoutfitted river users make their wishes known to Federal managers and few understand the issues that are affecting their opportunities to obtain permits. Most do not realize that differences in river access exist between the outfitted and nonoutfitted river user.

The nonoutfitted user has virtually no representation as a lobby in Washington, D.C., compared to the commercial outfitter (appendix *). The nonoutfitted user gains some exposure to information sources through articles published in magazines such as Currents (published by the National Organization for River Sports--NORS), River Runner's Magazine (published by Dave McCourtney, Powell Butte, OR), and Wild America (published by the American Wilderness Alliance). These magazines feature articles expressing concerns for the noncommercial floater (appendix A and C). At this point, these publications and other organizing efforts have not been notably effective in allying and rallying a significant population of the nonoutfitted river user.

As demand grows for access opportunity to the more popular rivers, it is predicted that frustrations and disappointment levels will soon develop into strong public reaction. More interest in permit and allocation systems will generate greater input into Federal land and water management plans. There will also be growing controversy between the nonoutfitted and commercial outfitter as demand patterns change and the struggle for equal access elevates. Forest officers will be expected to mediate and implement equitable changes in river management plans.

On the opposing side of the issue, the outfitters contend that any permit system devised to place all river applicants in a lottery would

be disastrous to their businesses. Outfitter Dick Linford (1981) presented the disadvantages of such a system.

"First it would place a much greater burden on river managers, who are short-handed as it is, and will most likely become even more so over the next few years. Second, the total lottery would not make things equal between the two publics; it would discriminate against the outfitted user. A nonoutfitted user who wins in the lottery would have it made. But a winning outfitted user would be only half-way there. Next he would have to hope that enough other people choosing the outfitter he has chosen would win, so that the outfitter could run the trip at a reasonable price. If not, the so-called winner would have to settle for a different outfitter, or forfeit his trip...The lottery would restrict this choice and limit the diversity of outfitter services."

Mr. Linford provides strong support for leaving the system as it is now. He shows that the freedom of business operation, coupled with great unpredictability, would have a catastrophic effect on the industry. He provides other reasons for not changing the present system.

In Wyoming, a similar issue developed over a permit system to hunt elk (State-issued elk tags). In the late 1960's and early 1970's, non-residents could contact outfitters directly and confirm arrangements with the outfitter for the trip (hunt). The outfitters would then go to Cheyenne, in the month of February, and purchase the number of nonresident elk tags needed to book up his business for the fall hunt. This mode of operation assured outfitters of a predictable volume of business. However, the drawback to the system was voiced to the State

Game and Fish Department by the unsuccessful nonresident applicants who did not have an equal chance to obtain an elk tag. Many of the non-residents did not choose to go hunting with an outfitter. Virtually all of the available tags were sold to all of the State's outfitters prior to the period when nonresident hunters could apply. Illegal discrimination was charged, and the State system changed in about 1972 to a lottery sale of tags to nonresidents.

Upon success in the drawing, the applicant hunter would then select his chosen outfitter. Outfitters are allowed to see the State's list of names of successful nonresident hunters. They then compete for prospective clients.

During the change in systems, the author was involved in outfitter meetings that elevated concerns to a fervent level. Most of the criticism was leveled at State game officials, in this case, and not Forest Service officials.

In summary, the Wyoming outfitters predicted doom to their businesses. The doom never came. Today, there are about the same number of outfitters operating healthy businesses in Wyoming as there were in the late 1960's (Crowe 1983). The outfitters found ways to market their services and are doing so very strongly, as cited in Chapters I and II. Fairness was enhanced to the nonresident, and outfitters survived the system change (Blake 1970).

At this point, Joe Wallace, (1983), District Ranger on the Sumpter National Forest, is proposing a lottery permit system that would require all river applicants apply for a permit. Applicants would declare whether they wanted to float the river via commercial means or nonoutfitted. Four commercial firms operate on the Chattooga. Their businesses have grown strongly over the last 10 years, as noted in Verne Huser's (1977) presentation. The system proposed by Joe Wallace has not been implemented yet. It may be, following the completion of the Forest Land Management Plan in 1984. Public input and acceptance must be established prior to implementation.

ECONOMIC CONSIDERATIONS

Much has already been said about the economic aspects of the outfitting and guiding industry in Chapters I and II. The information presented in those chapters illustrates the significant contribution made to the economy of outfitters, employees, communities, and the state. The outfitting industry contributes substantially to the level of tourism in the States of Idaho, Montana, and Wyoming. Data on outfitting and guiding are lacking for the State of Idaho, as there have been no economic analyses or studies conducted to this author's knowledge. Data presented on river outfitting on the Middle Fork of the Salmon River are based upon personal experience and knowledge of outfitter operations on that river (Blake 1982).

Recreation expenditure by all sectors of the public provide billions of dollars to the nation's economy. Derrick Crandall, (1982), President

of the American Recreation Coalition, has stated that \$255 billion are expended on recreational pursuits in the United States annually.

Tourism and recreation are leading industries in many states of the nation. As a component of that, outfitting and guiding ranks high in each of the Western States. Governor Ed Herschler (1982) of Wyoming wrote these words to the Chief of the Forest Service:

"...The Wyoming outfitting industry is an integral part of our overall recreation/tourism industry. This recreation/tourism industry is currently Wyoming's second leading economic sector in terms of jobs and income. The vitality, quality, and stability of our outfitting industry is particularly important to the economic health of the communities from which the outfitters operate... Their ability to continue this role has long-term implications towards the positive recreation/tourism image of the state."

This supportive statement is interesting in view of the economic crisis the Wyoming State Game and Fish Department presented to outfitters in 1973. In spite of the fears of the outfitters, the industry still thrives.

In summary, the economic importance of outfitting and guiding in the Western States is clearly evident. Land and resource decision making affecting the industry or individual outfitters within the industry must be understood and considered thoroughly.

POLITICAL IMPLICATIONS

As stated in Chapter II, a proposed policy change was made to the outfitters by the Chief of the Forest Service in February 1982.

The proposed change was made to alleviate several administrative problems (to be discussed in more detail in a following topic).

Proposed objectives of the change were to (as perceived by the author):

1. Collect more equitable fees to the Government from outfitting operations occurring on Federal land. Current fees are 25 cents/visitor-served per day.
2. Improve methods of selecting new outfitters of high-quality and operating capability.
3. Control the continued transfer of permits by one outfitter to a new buyer (often without the consent or involvement of the Ranger). Current permit wording does not allow outfitter-initiated transfers.
4. Regain control of the perpetuation of the number of outfitters where administrative reductions are needed for resource or carrying-capacity reasons.

There has been a loss of control of the desired numbers and kinds of outfitters operating on National Forest lands. In some localities, there are too many. In other places, there may be too few.

Outfitters now enjoy a business situation whereby they can command a very profitable price for selling their business to a new buyer. In most cases, the most-valued commodity exchanged in the transaction is the Forest Service permit allowing the outfitter to operate commercially on National Forest lands (appendix A).

It is typical for a boating outfitter to sell his business on the Middle Fork of the Salmon River for about \$250,000. The boats and equipment sold may not exceed \$50,000 in assessed value. The remainder of the costs is represented in the value of the permit or right to conduct business on National Forest lands.

Hunting-outfitter operations usually sell for less. The price is based upon the relative earning potential of a given hunting locality and its reputation for potential successful game harvest. The author is aware of one selling for about \$80,000.

One outfitter told the author that he had his outfitting business appraised by a consultant who analyzed the earning capacities of his entire outfitting business, which included hunting and boating operations. The business was appraised at slightly over \$1 million.

Thus, when the Forest Service proposed changing the outfitter policy in 1982 to a prospectus and bid system of permit reissuance, the political battle was on. Upon receipt of the Issue Analysis (1982) proposal, outfitter associations rallied together to begin a political defense. At the Washington D.C. level, the action was taken by the North American Outfitters and Guides Association and the Montana Outfitters and Guides Association (appendix D).

A newsletter sent out to members of the Montana Outfitters and Guides Association illustrates their concern and the action taken (MOGA June 10, 1982, newsletter). Mr. Rich stated:

"As I told you in my last newsletter, Duane Neal, Ralph Holman, and I would be going to Washington, D.C. to meet with our legislative delegation and top level Forest Service and Bureau of Land Management officials to see if we could stop any serious consideration of the 'Issue Analysis Special Use Permits for Commerical Outfitters/Guides Operations in the National Forests (Reference 2721.53)'."

The group met with Vice President Bush's members of a task force on small businesses. They met with Senator McClure and Representative Craig of Idaho and top-level Forest Service officials. Rich goes on to say:

"...In making this long story short, I would like you to know that we made 22 meetings in five days, and that is a rather tight schedule in Washington, D.C. We found out...we got our first real feelings of accomplishment when we met with Max Peterson, Bob Wier, and Roy Feuchter at 2:30, the afternoon of the 19th, and Max said he felt the papers were

probably poorly conceived and handled...on May 20th., all of the outfitters met with Max Peterson and his Recreation Staff, with John Crowell sitting in for awhile, and we were assured that the Forest Service would cooperate with us and end any further consideration of the analysis papers until further study is made...In the meantime, keep the letters going to Max Peterson and our Senators and Representatives..."

In addition to visits to Washington, D.C., masses of letters were sent to Chief Peterson protesting the proposed policy change. As a result of the pressures applied, several meetings have subsequently been held with the seven members of the outfitters representation committee to establish a mutually satisfactory policy. The most-recent draft policy (FSM 2721.53, February 1983) proposes in part:

1. Permits may be issued when the use is identified in an approved Forest Land and Resource Management Plan and the use (outfitting) provides a needed public service.
2. That traditional use levels by outfitters will be allowed to continue at levels established over the past 3 years, until a new Forest Land and Resource Management Plan is revised and approved. Use above this level may be authorized for up to one year at a time but does not commit that amount to a permanent authorized use.
3. Permits may be re-issued to current permit holders if the use meets objectives and direction identified in approved

FLRMP and if the permittee's past performance record and current financial capability is satisfactory.

4. If a change in ownership is expected, the prospective new owner and the seller must meet with the Forest Service prior to concluding the sale or applying for a new permit to discuss the past operation and future use.
5. Permits will be reissued to qualified purchasers if proper documentation is provided to the Forest Service showing bona fide conveyance of true values sold and received. Permits will be issued only if the seller has performed satisfactorily for the past 2 years and operated each year for the past 2 years.
6. Decision making for more, or less, outfitting use will be based on capacities and service needs stated in FLRMP.
 - a. If FLRMP sets a capacity lower than current use levels, these options will be available:
 - (1) Proposals will be invited by current permittees to select the most qualified applicants to provide the services at a reduced level.
 - (2) Service days may be reduced proportionally among all permittees.

(3) Service days may be reduced based on past actual use or voluntary reductions.

b. If FLRMP determines too many outfitters/guides without an optimum level of service from some or all, proposals will be invited from the current permit holders to select the best qualified applicant(s).

7. Operating standards are to be established by Forest Supervisors with the help of District Rangers. Reviews and ratings will be given annually at the end of the operating season. During the course of the year, operations will be monitored.

8. Fees will be increased to be more equitable as provided in FSM 2721.53f.

These new proposed policy changes, if approved in the near future, will be published in the Federal Register. They will be implemented shortly thereafter. The foregoing illustrates that political attention and emphasis have been placed upon the support of the outfitting and guiding industry in each of the states discussed in this presentation.

It is important to the benefactors (the American public) of National Forest lands that legislators, government administrators, and executives realize that wise resource planning and decision making must, in the long run, favor perpetuation of the lands and waters. It is highly

important that government officials make their decisions favorably toward wise use and protection.

The challenge presented to Forest Service officials is to promote the message of wise use and protection to the American public in order to gain understanding and support in reaching those goals.

PERMIT ADMINISTRATION ISSUES/PROBLEMS

Past and current administrative procedures of outfitting and guiding have been, and continue to be, problematic to land managers.

Issues that confront and challenge Rangers, who usually issue and are responsible for outfitter permit administration, include:

1. Determination of the need for numbers and kinds of services offered by outfitters in the Ranger District.
2. Establishing standards of operations for outfitters and evaluating services against the standards.
3. Gaining compliance of outfitters once operations are started.
4. Reducing numbers and kinds of operations to meet land and water management goals.

5. Taking adequate and appropriate administrative or legal action to gain compliance, to discipline, or to revoke the permit, if necessary.
6. Reallocating the capacity to the noncommercial or commercial sector, depending on changing demand trends.

It appears that the factors determining the need and desirability of outfitting/guiding on Ranger Districts must be clearly established in Forest Land and Resource Management Plans. Once management objectives are determined, the amounts and kinds of outfitting can be established accordingly.

It also appears that the guidelines established in the newly proposed FSM 2721.53 policy will help regain control of a situation that has, over the past 60 years, grown in a rather unplanned and unsystematic manner.

These problems have occurred in the past and are ongoing at present:

1. In some areas, resources have been and continue to be damaged by excessive numbers of people and pack stock.
2. In some locations, there are too many outfitters. Some of these are providing too little service to the public.

3. Some outfitters are speculators, relying solely on the sale of their permit rather than providing a quality service.
4. Some Rangers are not adequately versed on the administration of outfitter permits. Some Supervisors are not aware of the need for stringent decision making and administration of outfitter permits.
5. Virtually all administrators have failed to use the administrative prerogatives available to them to gain the compliance of uncooperative outfitters.
6. Many administrators have not established understandable operating standards with outfitters. There is no "contractual" operating agreement between the Ranger and the outfitter (appendix E).

The entire management system for outfitters needs definition and administrative "belt tightening." Some of this will be accomplished through the new direction established by the Chief in the 1983 policy.

It seems evident from this presentation that the objectives of quality land and water management must take precedence over use of the resources by the public. If we, as managers, succumb to the pressures described in this presentation, we will have failed our stewardship responsibilities to protect and enhance the National Forest resources that we are charged to administer.

Conclusions and Recommendations

Chapter V

Outfitting and guiding on National Forest lands and waters have provided, and continue to provide, a needed service to a large segment of the recreating public. A healthy outfitting industry is vitally important to the economic sustenance of businessmen, employees, families, communities, and states.

There are growing problems associated with uncontrolled outfitting on the National Forest lands and waters through physical and ecological impacts and through the displacement of nonoutfitted users competing for an opportunity to use the same limited areas.

The establishment of resource carrying capacities will elevate conflict between users and special-interest groups.

Political pressures will mount as limits are established and implemented through Forest Land and Resource Management Plans. Forest Service officials face a great challenge in broadening and gaining the understanding and support of the executive and legislative branches of Government to achieve the goals of wise land and water use.

Forest Service administrators must carefully analyze and recognize the weaknesses in past and current methods of administering outfitting and guiding on National Forest lands and waters. The decentralized

system, under which the Forest Service operates, provides opportunity for looseness and variance in management. This has occurred in the past.

Forest Land and Resource Planning will do much to assess resources and establish sound objectives for the provision of public services through outfitters and guides. The establishment of standards of operations for outfitting is a critically needed tool to meet management objectives.

RECOMMENDATIONS

1. Forest Service management objectives must emphasize protection and enhancement of recreational resources in the long run. These objectives should be clearly defined in National Forest land policies and stated as objectives in National Forest Land and Resource Management Plans.

Land and water protection and enhancement objectives must take precedence over use by the public (both commercial and noncommercial) if valuable resource assets are to be perpetuated.

2. Wise use and management of National Forest lands and waters must take precedence over commercial interests.

The Chief of the Forest Service and his Staff need to develop strategies to gain the support and understanding of the Congressional and Executive branches of government regarding agency administration of outfitters.

The Congress and Administration must re-establish or reaffirm the authorities needed by the Forest Service and the Chief to set optimum levels of use by outfitters on National Forest lands and waters.

3. FLRMP must clearly show current demands and future trends for the services of outfitters in Ranger Districts. Plans should further show acceptable upper limits or limits of acceptable change where resources and experience levels are not degraded.
4. Use-allocation systems must be examined, better understood, and implemented to provide reasonable fairness to all users. Some research has already been done on this; however, more is needed immediately to accurately examine the effects of lottery for all users on a currently healthy and unencumbered outfitting industry.
5. In conjunction with recommendation 4, a further examination and report needs to be prepared on the Wyoming outfitter lottery change. Their system changed from a controlled booking situation

with the Wyoming outfitters controlling elk tags (permits), to a lottery system managed by the Wyoming Game and Fish Department. The Wyoming outfitters still maintain a healthy industry.

6. A Forest Service Handbook (FSH) on administration of outfitting should be established to augment current policies and Code of Federal Regulations (CFR). The handbook should explain in detail:
 - Ways to establish acceptable resource limits.
 - Ways to determine needs and demand for outfitting services.
 - Methods of developing operating plans.
 - Methods of monitoring and evaluating standards of operation.
 - Methods of gaining compliance through administrative or legal actions.
 - Methods of preparing prospectus and bids.
 - Methods of screening and evaluating new candidate outfitters.
 - Methods of implementing permit systems that will be fair to the public and minimize adverse effects on outfitters.
7. Establish a training program for Rangers and Assistants to develop skills on the "how to's" of outfitter/guide permit administration. Such a curriculum might follow the topics outlined in recommendation 6. Courses could be taught by key Forest Service people, with possible outfitter instructors as well. Objectives would be to develop Rangers' and Staffs' skills and understanding of outfitting and guiding in river

rafting, kayaking, helicopter and cross-country skiing, hunting, fishing, backpacking, and other specialties.

This training, coupled with a quality FSH, will do much to eliminate national variance found in current outfitter administration.

8. Promote the preparation of professional and technical papers (such as this one) to be available for Forest Service employees across the nation for further information and guidance. It is suggested that these papers from Utah State University and Clemson University be made available through the Forest Service Westfornet and Eastfornet Systems.
9. The Washington Office, the Regions, and Forests should promote the use of special task forces to accomplish some of the tasks suggested in this section.

Literature Cited

- Anderson, Ted. 1983. River Manager, Middle Fork Ranger District, Challis National Forest, Challis, Idaho. Personal Communication.
- Annual Report. 1979. Use of National Forest Units National Wilderness Preservation System: FY 1979. USDA Forest Service, Washington, D.C., 5 pp.
- Baxter, Dan. 1980. River Raft Sales and Growth. Presentation at Idaho Outfitters and Guides Association, Sun Valley, Idaho. October 1980.
- Blake, Clifton G. 1970. Personal experiences with the Forest Service in Wyoming, 1970-73.
- Blake, Clifton G. 1982. Outfitter Paper: Forest Service. Intermountain Regional Office, Ogden, Utah.
- Cole, David N. 1982. Wilderness Campsite Impacts: Effect of Amount of Use. Research Paper INT-284. Forest Service. Intermountain Forest and Range Experiment Station, Ogden, Utah.
- Cole, Jack R. 1981. How User Fees Would Reduce Conflicts, Help Preserve Our Forests and Streams, and Lower Federal Deficits: (In) Recreation Use Allocation: Proceedings of the National Conference on Allocation of Recreation Opportunities on Public Land Between the Outfitted and Nonoutfitted Publics. Publication R-149 Nevada Agricultural Experiment Station, University of Nevada-Reno, pp. 125-139.
- Cordell, H. Ken. 1981. Pricing for Allocating Low-Density Recreational Use Between Private and Commerical Users of Natural Areas. (In) Recreation Use Allocation: Proceedings of the National Conference on Allocation of Recreation Opportunities on Public Land Between the Outfitted and Nonoutfitted Publics. Publication R-149 Nevada Agricultural Experiment Station. University of Nevada-Reno, pp. 77-103.
- Crandall, Derrick. 1982. American Recreation Coalition, Washington, D.C. Presentation at Clemson University, October 1982.
- Crowe, Douglas M. 1983. Planning Coordinator, Wyoming Game and Fish Department, Cheyenne, Wyoming. Personal Communication.
- DeGraff, Ernest. 1981. Permit Systems in Use. Presentation at Forest Service R-4 Wilderness Recreation Workshop, Salt Lake City, Utah.
- DeVoto, Bernard. 1947. Across the Wide Missouri. Houghton Mifflin Company, Boston. Third Edition. p. 451.

- Forest Service and Idaho Outfitters and Guides Meeting. September 10, 1975. Boise, Idaho. Minutes of Meeting. Forest Service, Intermountain Region. 22 pp.
- Frissell, Sidney S. and George H. Stankey. 1968. Campsite Preference and Deterioration. (In) Wilderness Management. 1978. P. 173.
- Frisell, Sidney S. (n.d.) The Impact of Wilderness Visitors on Natural Ecosystems. (Completed report to the USDA Forest Service, Intermountain Forest and Range Experiment Station.) Missoula, Montana. 60 pp.
- Garren, John H. 1981. Change in River Use Allocation Needed. (In) Recreation Use Allocation: Proceedings of the National Conference on Allocation of Recreation Opportunities on Public Land Between the Outfitted and Nonoutfitted Publics. Publication R-149 Nevada Agricultural Experiment Station. University of Nevada-Reno. Pp. 166-173.
- Hendee, John C., Lucas, Robert C., Stankey, George H. 1978. Wilderness Management. Forest Service. Miscellaneous Publication No. 1365. 381 pp.
- Herschler, Ed et. al. 1982. Letters to Chief Peterson from Governors Herschler, Evans; Congressmen Santini and Craig; and Senators McClure and Symmes.
- Holman, Ralph M. 1981. The Past, Present, and Future of the Outfitting Industry in Montana. (In) Recreation Use Allocation: Proceedings of the National Conference on Allocation of Recreation Opportunities on Public Land Between the Outfitted and Nonoutfitted Publics. Publication R-149 Nevada Agricultural Experiment Station. University of Nevada-Reno. Pp. 151-161.
- Huser, Verne. 1977. Industry Responds to the Explosion in River Recreation. (In) Proceedings: River Recreation Management and Research Symposium. January 24-27, 1977. Forest Service. North Central Forest Experiment Station, Minneapolis. Pp. 38-44.
- Idaho Outfitters and Guides Act--As Amended. Idaho Code - Title 36 - Chapter 21, 1978. 9 pp.
- Interim Management Plan of the Golden Trout Wilderness: An Environmental Assessment. 1982. Forest Service. Inyo and Sequoia National Forests. Bishop, California.
- Issue Analysis Special Use Permits for Commercial Outfitter/Guide Operations On the National Forests (Reference FSM 2721.53). February 23, 1982. Forest Service Letter of Transmittal to Outfitters. February 25, 1982.

- Jackson Hole Area Chamber of Commerce. 1981. Outfitter Survey: Conducted by Teton County Agricultural Extension Office, University of Wyoming Extension Service.
- Leopold, Aldo. 1921. Wilderness and Its Place in Forest Recreation Policy. *Journal of Forestry* 19(7): Pp. 718-721.
- Lime, David W., and George H. Stankey. 1971. Carrying Capacity: Maintaining Outdoor Recreation Quality, In Recreation. (In) *Wilderness Management*. 1978. P. 179.
- Linford, Richard D. A River Outfitter Perspective on the Allocation Recreation Use Allocation: Proceedings of the National Conference on Allocation of Recreation Opportunities on Public Land Between the Outfitted and Nonoutfitted Publics. Publication R-149 Nevada Agricultural Experiment Station. University of Nevada-Reno. Pp. 112-124.
- Mathews, Janet E. 1981. An Outfitted Person in the Wilderness. (In) *Recreation Use Allocation: Proceedings of the National Conference on Allocation of Recreation Opportunities on Public Land Between the Outfitted and Nonoutfitted Publics*. Publication R-149 Nevada Agricultural Experiment Station. University of Nevada-Reno. Pp. 108-111.
- Middle Fork Ranger District, Challis National Forest, Challis, Idaho. Lottery Statistics 1980.
- Montana Outfitters and Guides Newsletter. June 10, 1982. Written by C. B. Rich, President, P.O. Box 505, Seeley Lake, Montana.
- Phillips, Clynn. 1981. 1980 Hunting and Fishing Expenditure Estimates for Wyoming. Water Resources Research Institute, University of Wyoming, for Wyoming Game and Fish Department, Cheyenne.
- Recreation Management Plan - Middle Fork Salmon Wild and Scenic River. 1973. Forest Service, Challis National Forest, Middle Fork Ranger District, Challis, Idaho. 30 pp.
- Robinson, Glen O. 1975. The Forest Service - A Study in Public Land Management. Resources for the Future, Inc. Johns Hopkins University Press. Baltimore and London. 337 p.
- Selway River Whitewater Management Plan. Revised 1982. USDA Forest Forest Service. Northern Region, Missoula, Montana. 7 pp.
- Stankey, George H. 1973. Visitor Perception of Wilderness Recreation Carrying Capacity. (In) *Wilderness Management*. 1978. Pp. 175-176.
- Utter, Jack, Stephen F. McCool, and William Gleason. 1980. Wild River Management: The Use Allocation Issue. Montana Water Resources Research Center, Montana State University, Bozeman, Montana. Pp. 10-23.

Wallace, Joseph P. 1983. Chattooga River: Management Objectives, Maximum Use Limits, and Rationing techniques. USDA Forest Service, Andrew Pickens District, Sumpter National Forest, South Carolina. 68 pp.

Wilderness Public Rights Fund vs. Thomas F. Kleppe, Secretary of Interior. 1979. 608 Federal Reporter, 2nd Series. Pp. 1250-1254.

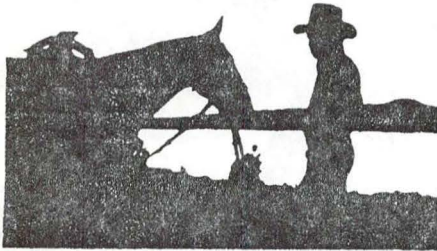
APPENDIX A

Economics of Outfitting

Mountain States

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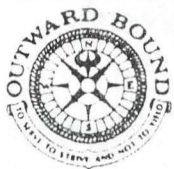
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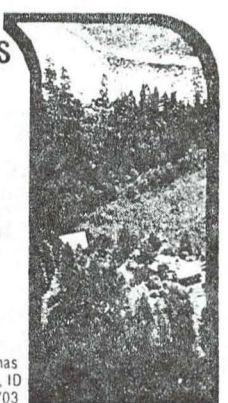


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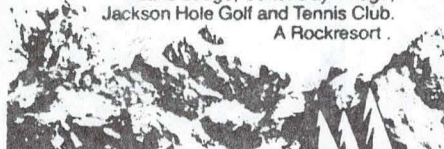
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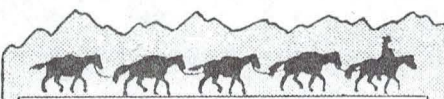
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Idaho sports net millions

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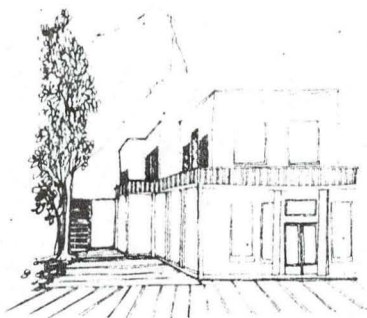
Expenditures for fishing were close to \$79 million and hunting activities produced about \$70 million for the economy, the U.S. Department of Interior and Commerce reported in their "1980 National Survey of Fishing, Hunting and Wildlife-Associated Recreation."

The survey produced a national report and individual reports for each state.

In Idaho, 2,130 households were screened for participants in wildlife-associated activities and 720 persons were later interviewed in person to arrive at the statistical results.

Funding for the survey came from excise taxes on fishing and hunting gear under Federal Aid for Fish and Wildlife Restoration Acts.

Expenditures in Idaho were separated in major categories that included food and lodging, transportation and equipment.



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Trips leave daily June through September at 2pm, returning by lunch the following day.

TRIP INCLUDES: Dinner and breakfast at our exclusive campsite at Bailey Canyon, round trip transportation from Jackson, Coast Guard approved life jackets, raingear, on-board camera storage, waterproof gearbags, roomy tents and sleeping pads.

OPTIONAL GEAR could include fishing tackle and license. If you would like liquor, wine and/or beer you should bring it along.

Sleeping bag rental (optional) \$10 per person.

Rates: \$90 per person



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APPENDIX B

Resource and Social Impacts

Wilderness Campsite Impacts: Effect of Amount of Use

David N. Cole

INTRODUCTION

Along with recent increases in recreational use of wilderness has come an awareness that this use has already modified pristine ecosystems intended for preservation. In many areas, the most severe impacts occur on campsites where use is highly concentrated, both spatially and temporally. Managers are understandably concerned about the highly altered conditions of many campsites, as it is their responsibility, according to the Wilderness Act of 1964, to manage wilderness areas so that "natural conditions" are preserved and "the imprint of man's work (remains) substantially unnoticeable."

It is commonly assumed that campsite impacts are the result of excessive use and that predicted future increases in use will cause increasingly severe degradation. A common response to this situation is an attempt to disperse users from areas of concentrated use to less frequently visited parts of the wilderness. Currently, 53 percent of all designated wilderness units in the Forest Service and Park Service attempt to disperse use.¹ While dispersal may decrease campsite use and visitor encounter frequencies in areas of heavy use, it can also increase the number of areas where one can expect to encounter other parties, and the number of areas which show the effects of recreational use. This reduces the proportion of the wilderness that offers opportunities for solitude and shows no substantial evidence of human impact.

In order to evaluate the appropriateness of use dispersal in various wilderness situations, or to develop any other information-based wilderness campsite management policy, we need a better understanding of the changes occurring on campsites and the extent to which differences in amounts of use affect campsite condition. A study was designed to provide information of this kind for campsites in Eagle Cap Wilderness in northeastern Oregon. Permanent sampling plots were established on campsites so that long-term changes could be evaluated. This report describes results of the first year of study, an assessment of changes which have already occurred, and how these changes are related to the amount of use the site receives.

The study also compares the amount of change which has occurred on lakeshore campsites and campsites located more than 200 ft (61 m) from a lake. There is a

common assumption that lakeshores are more fragile than sites set back from lakes. Currently, 34 percent of all designated wilderness units in the Forest Service and Park Service have regulations prohibiting camping within a certain distance of lakes. This is a sizable percentage, as only slightly more than half of the areas in the wilderness system contain bodies of water larger than 1 acre (McCurdy 1977). In the case of Eagle Cap Wilderness, a 200-ft (61-m) setback has been established.

The final objective was to test the sensitivity of indicators of impact that could be used to monitor overall site condition. Managers have increasingly recognized the value of monitoring systems for providing baseline information to help them evaluate their management programs and to identify areas where additional management actions need to be taken. Recently, monitoring has been mandated by Congress in the National Forest Management Act. In this study, we examined the ability of several individual measures to predict overall site conditions and amount of change.

PREVIOUS STUDIES

Most detailed studies of campsite impact have been conducted on developed campsites which are accessible by car and which receive much heavier use than most wilderness campsites. Backcountry campsites have been studied in northern Minnesota (Frissell and Duncan 1965; Merriam and others 1973), the mountains of the eastern United States (Rechlin 1973; Bratton and others 1978), Washington (Thornburgh 1962; Schreiner and Moorhead 1976), Idaho (Coombs 1976), and Montana (Fichtler 1980). Of these studies, only Coombs (1976) and Fichtler (1980) provide detailed data for a low-use area typical of most of the wilderness in the United States.

Most studies of backcountry campsites have documented a loss of vegetation cover and an increase in bare ground. Changes in species composition have been described in considerable detail (Thornburgh 1962;

¹Data from a census of wilderness managers are on file at the Forestry Sciences Laboratory, Missoula, Mont.

Coombs 1976; Cole 1977), as have mechanical damage to mature trees (Merriam and others 1973, Rechlin 1973, Fichtler 1980) and the almost complete elimination of tree seedlings (Frissell and Duncan 1965, Coombs 1976, Cole 1977, Fichtler 1980). Other noted changes include an increase in soil compaction (Thornburgh 1962, Merriam and others 1973, Cole 1977, Fichtler 1980), a reduction in infiltration rates (Frissell and Duncan 1965), a loss of organic surface horizons (Frissell and Duncan 1965), and erosion resulting in the exposure of tree roots (Merriam and others 1973, Cole 1977, Fichtler 1980.)

In studies on developed campsites, an increase in pH also has been a consistent finding (Young and Gilmore 1976; Dawson and others 1978; Rutherford and Scott 1979). Changes in soil nutrient concentrations have been less consistent. Young and Gilmore (1976) found increases in calcium (Ca), potassium (K), phosphorus (P), sodium (Na), and nitrogen (N), and no change in magnesium (Mg) concentrations on campsites in Illinois. Working in southern Ontario, Rutherford and Scott (1979) found decreases in nitrate (NO_3), increases in chloride (Cl), and no change in phosphate (PO_4). Mg, K, and sulfate (SO_4) concentrations on campsites. Conflicting results have also been found where soil organic matter has been studied. Dotzenko and others (1967), Settergren and Cole (1970), Dawson and others (1978), and Rutherford and Scott (1979) found decreases on campsites, while Young and Gilmore (1976) and Monti and Mackintosh (1979) found increases.

In one of the few studies to relate amount of use to backcountry campsite condition, Frissell and Duncan (1965) found that more heavily used campsites in the Boundary Waters Canoe Area had less ground-cover vegetation and more tree root exposure than lightly used sites. They found no relationship, however, between amount of use and either vegetation loss (a measure based on a campsite-control comparison) or bare ground.

Fichtler (1980) compared impacts on lightly and heavily used sites in Montana. He found no statistically significant differences in amount of change in the understory, overstory, or soil compaction. The only significant difference was in the amount of bare soil exposed.

Merriam and others (1973), working in the Boundary Waters Canoe Area, found a poor relationship between amount of use and a summary measure of campsite impact. When sites were stratified by vegetation type, a more consistent relationship appeared; in each vegetation type, impact increased with use. The functional relationship was hyperbolic rather than linear, however, with the rate of increase in impact decreasing as use increased.

Similar conclusions about the nature of the relationship between use and impact are evident in the data presented by Rechlin (1973) for backcountry campsites in the Adirondacks and by Dotzenko and others (1967), LaPage (1967), Young and Gilmore (1976), Legg and Schneider (1977), Young (1978), and James and others (1979) for developed campsites. Although overall impact generally increases as use increases, changes in many variables, such as infiltration rates (James and others 1979), soil organic matter (Dotzenko and others 1967; Young and Gilmore 1976), and soil pH (Young and Gilmore 1976) are not significantly correlated with amount of use. For those

variables in which amount of impact does increase with use, near-maximum levels of impact are usually achieved even with light use, and further increases in use do little to aggravate the severity of these impacts (fig. 1).

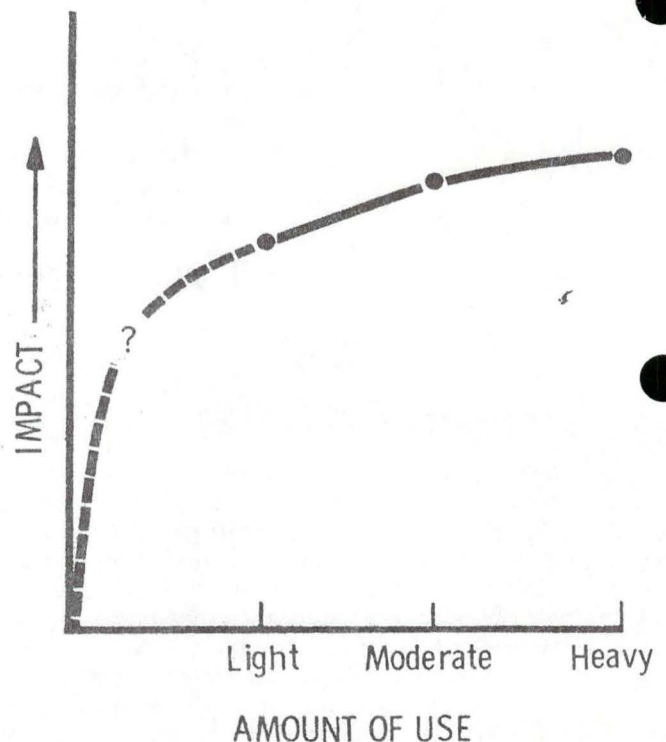


Figure 1.--Typical research results for the relationship between campsite impact variables and amount of use. The response of variables as use increases from no use to light use is poorly understood.

In support of this conclusion, some of the most pronounced differences between sites which receive different amounts of use were found in the lightly used Idaho Primitive Area (Coombs 1976). In comparison to light-use sites, heavy-use sites had considerably less vegetation cover and considerably more erosion pavement.

This study in Eagle Cap Wilderness differentiates between impact on lightly, moderately, and heavily used sites which would all have been considered lightly used sites in all of the studies other than those of Coombs (1976) and Fichtler (1980). This focuses attention on that part of the use spectrum which is most poorly understood (where use differences have the most pronounced influence on amount of impact) and which is most applicable to the wilderness situation.

STUDY AREA

The Eagle Cap Wilderness was selected for study because it contained numerous examples of campsites which receive light, moderate, and heavy use, in locations where at least ordinal estimates of use could be obtained.

TURMOIL ON THE WILD RIVERS: USER CONFLICTS INTENSIFY

Twenty-eight boats tug at their bowlines as the clear, cold waters of the Middle Fork of Idaho's Salmon caress their bottoms. It is crowded, chaotic. It is launch time at Boundary Creek, where a vivid array of dories, inflatable rafts, and kayaks awaits the coin-flip to determine campsite selection among the parties. Included are both private groups, who have won a lottery allowing them to float this Wild River, and commercial passengers, who have paid several hundred dollars for the privilege.

Middle Fork use is regulated, restricted, and rationed through a management plan developed a decade ago to protect the

among users of the Current and Jacks Fork (Ozark National Scenic Riverways) and decreasing quality of the experience. He concludes that, "Perhaps a system of boater quotas and permits is the only way to go." Such systems are used on more than 30 major rivers within the National Wild and Scenic Rivers System.

Disagreement on river management centers on the questions of who has the right to use the river (who is the public?) and how that right is allocated. Private users denied access to the river complain that outfitters are guaranteed a place at the expense of the private user. Commercial permits issued by the Forest Service

boats and the expertise to operate them—to experience the river, and that they thereby serve the public better than private users. They point out that private boaters generally pay nothing for their river use and cause most of the problems that river managers have to deal with.

B. A. Hanten of Merlin, Oregon, suggests in a recent letter to the National Organization for River Sport (NORS, a group of private boaters) that, "The private user has nothing to lose by not following the rules, whereas the commercial operator has his or her livelihood to lose."

One river manager has listed the two most serious problems as: getting a management plan approved, and the social interaction between competing groups. Another official has said, "The key is having a system that is easy to implement." Most river users, both private and commercial, would say, "The key is having an equitable system," but they might disagree on what constitutes an equitable system. Joe Munroe, founder of the Wilderness Public Rights Fund that has been battling since the mid-1970s for the public's right to use rivers, said recently, "The management people are trying to make it equitable; the commercials want to be fair. We should be sitting down with each other to determine what's fair."

What is fair? Fee structures at present do not seem to be. Those involved in the controversy seem to agree that fees should be increased, but should they be applied to private users as well as commercial outfitters? Should the fees be used for management or go into the general fund (U.S. Treasury) as they do now? Should they be tied to a cost-of-living index or to a percentage of gross? These questions remain to be answered.

Allocation of use between private boaters and commercial outfitters is still a sticky subject that varies from river to river, from jurisdiction to jurisdiction. In some areas only commercial use is regulated, rationed, or restricted; in other areas there is a 50-50 split—or a 40-60 or a 70-30. Dr. Roderick Nash, author of *Wilderness and the American Mind*, is an authority on wilderness allocation. He has suggested a sliding scale based on a "percentage of disappointment" that would be adjustable periodically to reflect the true demand for river access. There are no final answers—yet.

Closely related to the allocation conflicts are those involving the selection of outfitters granted the right to carry people for hire down the wild and scenic rivers.

(Turn to page 56)



Competition for space on the river can get intense as more and more people try their hands at whitewater adventuring. Decisions about quota systems and rafting permits are complicated by varying needs of private individuals and commercial outfitters

river. But unanswered questions still haunt river managers on this and other wild and scenic rivers: how best to protect the riverine environment from the hordes of people who want to use it, how to allocate use among competing users, how to guarantee the quality of the river experience, how to control allocation and transfer of commercial permits.

Roy Feuchter, director of recreation management for the Forest Service, says, "Someone needs to control use to protect the resource and the quality of the experience. That means limiting the number of users. The big question is how?" Restrict the number of commercial outfitters? Limit the number of passengers? Regulate river use through a lottery or telephone reservation system? All of these concepts have been tried.

Larry Rice, writing in the October issue of *Canoe*, reports increasing conflict

and the Bureau of Land Management (BLM) take on a value of their own (like a liquor license). Outfitters have sold businesses worth \$20,000 in tangible assets for \$50,000 to \$100,000 on the "blue-sky value" of the permit, which frustrated private users say is a right that belongs to the public and cannot be converted into private ownership.

They feel it is unfair to have to pay an outfitter for access to a river that belongs to all the people of the nation—to the public—especially when the outfitters pay only a small fraction of their gross revenues to the agencies that manage the river resource in the public interest: 25¢ to 85¢ per user per day, when outfitters may charge \$50 to \$100 per person per day for their services.

Outfitters counter with the argument that their service enables the general public—not just those who have their own

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Turmoil on Wild Rivers

(From page 27)

and the transfer of those permits to others when the business is sold or inherited. Government agencies have in recent years seriously questioned the transfer of permits with the sale of a business. This questioning would seem to represent an agency viewpoint that the permit is the property of the agency (acting for the public in the granting of permits) and not that of the permit holder.

River outfitters who have operated for years on certain rivers—in some cases longer than the Wild and Scenic Rivers System has existed—are suddenly having their right to operate challenged by the proposal of a bid-prospectus system whereby permits, renewable every three to five years, would be granted to the highest bidder rather than to the outfitter with prior experience and an historical record of good service, regardless of the outfitter's vested interest or previous use. Whoever looked best on paper would get the permits.

Forty river outfitters, threatened by the proposed bid-prospectus approach, went to Washington, DC, last May to lobby their Congressional delegations. They got a temporary freeze on new policy development by the Forest Service and BLM. The Forest Service, for example, rescinded the Chattooga River bid prospectus until a national Forest Service policy has been adopted.

A joint task force composed of representatives of the Forest Service, BLM, and the North American Outfitters Association was formed to consider options. The outfitters oppose the bid-prospectus approach in favor of preferential right for renewal of permits. They also want longer tenure and the right to transfer permits on the sale of their outfitting businesses. The task force met in Salt Lake City in early September to gather outfitter input. It is scheduled to meet again in Boise, Idaho, in early December. Private users and conservation organizations concerned about the developing policy have so far had little opportunity to offer input.

Early in 1983, a new policy for assessing fees, for selecting appropriate outfitters, and for regulating the transfer of permits is scheduled to be published in the Federal Register. It is intended to be a policy covering all special recreational use permit-holders on specific federal lands including most of the wild and scenic rivers. It will have broad implications not only for the National Wild and Scenic Rivers System but for Wilderness areas as well. It may be worth watching.

—Verne Huser

APPENDIX C

Social and Legal Implications

Our Parks in Crisis:

Does Development Mean Destruction?

With backcountry use skyrocketing, there are those who say our National Parks System is now literally in danger of being "loved to death." These preservationists insist that liberal attendance ceilings, and conveniences like concession facilities and roads, will lessen the wilderness experience for everyone, unless it's all stopped.

Opponents point instead to dwindling Federal funding for our parklands, claiming the only realistic way to save them—in any form, for any one—is to help them pay for themselves. That means development, careful development, they say, that needn't spoil anything.

Which side are you on? Read this debate between the American Recreation Coalition and The Wilderness Society. They disagree on most points but one: We'll be living with the choices we make for a long, long time.

It's Time to Confront Overuse

By Gaylord Nelson,
The Wilderness Society

America's National Park System is one of the treasures of the world. It's an idea pioneered by our nation in 1872 with the creation of Yellowstone National Park, and driven home 44 years later by the National Parks Organic Act which assured that the nation's scenic natural wonders would be left "unimpaired for the enjoyment of future generations."

A happy ending? Not entirely. Like many other American institutions, the National Park System is under considerable stress these days, with its facilities being used to the point of being overrun. Something must be done, and the answer—clearly—is not more concessions and more roads, but to expand the park system.

The areas managed by the Park Service are diverse, encompassing such varied units as the battlegrounds at Gettysburg, the Statue of Liberty, and volcanoes on the island of Hawaii. Yet its basic mission is the same for all of its charges: to *preserve* natural and cultural resources.

The National Park Service (NPS) is the only federal land management agency with this strong preservation mandate. Other federal lands are managed with more of a resource orientation: Our national forests are administered according to the Multiple Use-Sustained Yield Act of 1960, for "outdoor recreation, range, timber, watershed, and wildlife and fish purposes." The Bureau of Land Management's public lands, as dictated by the Federal Lands Policy and Management Act, must be managed "on the basis of multiple use and sustained yield." Even in our wildlife refuges, the Secretary of the Interior is empowered to permit use of any kind, provided the use is "compatible" with the purposes for which the refuge was initially established.

But our National Parks are different—set aside primarily to preserve the finest scenic and natural wonders, in perpetuity for all to enjoy. And enjoy them we do. The number of people visiting these parks has increased at an explosive rate over the past three decades. Specifically, while the nation's population rose 56 percent between 1950 and 1980, National Park visitation increased by more than 800 percent! The parklands are literally in danger of being "loved to death."

This phenomenal rise in popularity should send an important

You Can't Just Close the Door

By Derrick Crandall,
The American Recreation Coalition

Our National Park System is being threatened, requiring the action and support of the millions of individuals and thousands of organizations and corporations concerned about the future. Tight federal budgets, resource development on adjacent lands, and increased use make the management of our parks and related areas increasingly difficult. And at the same time, Congress seems to be less and less interested in parks and recreation issues. The U.S. Senate, for example, doesn't have a single subcommittee with the words "National Park" in its title!

The job to be done may be difficult, but it's easy to state: we must preserve and protect our National Parks, yet at the same time let as many people as possible visit them.

The most critical problem facing our park system today is money. Money for land designated, but not yet acquired, as part of the National Park System. Money to correct large and growing problems with the roads, buildings, water and waste systems in our parks. Money for salaries, so the number of people administering a park system which has grown sharply in acreage and in popularity over the past decade, can be increased, rather than decreased as has happened. And money to improve the experiences of visitors through interpretive facilities and activities.

It's going to be expensive. It could cost from three to six billion dollars just to acquire lands within park boundaries that are still privately owned. Appreciation and inflation drive this number higher each year. Replacing and renovating park roads, buildings, and the like to meet basic health and safety standards will cost some two billion dollars alone. And that doesn't begin to mention the funds needed to develop new parks created in the 1970s. Yet since 1978, Congressional appropriations for acquisitions have declined, and immense budgetary deficits ahead suggest that, without major changes in policy, things are going to get worse.

So, it's unlikely the National Park System will see significant expansion for many years to come, meaning the number of park users may grow, but the number of parks will not. To prevent existing parks from being strained, some people suggest freezing, or even reducing, the number of permitted park visitations.

That's not the answer at all. There is room within our Park System for many people engaged in different activities. The wil-

Our Parks in Crisis: Does

It's Time to Confront Overuse

message to Congress and President Reagan: The American people clearly *want* and *need* more National Parks. Yet the current administration is the first since 1872 to categorically oppose additions to the park system. Secretary of the Interior James Watt has even tried to stop the acquisition of privately owned lands within existing parklands—units that have already been authorized for purchase by Congress. Watt argues that funds earmarked for acquisition would be better spent on restoring and improving park roads, bridges, sewers, and visitor facilities.

While these areas certainly deserve attention, it makes no sense to cut out park acquisition entirely. Existing units like the Appalachian Trail, the Grand Tetons, Olympic National Park, and the Santa Monica Mountains, will remain only partially protected, as they are today, if Congress sticks to Watt's no-purchase policy. More importantly, while Watt is attempting to place a moratorium on the acquisition of new park lands, there is no such moratorium on developing areas that could, and should, someday become parks or wilderness areas. And once developed, their value as parks has been lost forever.

Increased development at our parks' doorsteps is also diminishing the quality of experience our existing parks provide. For example, Canyonlands National Park in Utah, where a proposed high-level nuclear waste site within one-half mile of the park boundary, on Bureau of Land Management land, would obviously have a profound impact on the quality of visitor use of this magnificent park. The necessary construction for test drilling alone would include the building of miles of roads and railways, and the use of extensive heavy equipment. Yet the Department of Energy is proceeding with its plans despite strong opposition from both the Park Service and the State of Utah.

Another example: Yellowstone, where the grizzly bear, in one of its few remaining habitats, approaches extinction. Former Yellowstone Superintendent John Townsley concluded that oil and gas leasing and development on neighboring national forest lands "would be devastating to the [bear's] critical wildlife habitat."

In fairness to the NPS, it had, prior to the Reagan Administration, become increasingly sensitive to its park management and planning responsibilities. In the 1970s, for example, the NPS began to prohibit extensive development in many new park areas. It is essential to the life of the park system that this philosophy

You Can't Just Close the Door

derness backpacker and the sightseeing family in an RV can each enjoy our parks, though perhaps not from the same place at the same time. How? Two ways. First comes a management policy that encourages spreading out visits physically and seasonally. And second, development—providing the infrastructure, if you will, that will temper user impact on the parks.

The latter point was made forcefully by Jack Anderson, retired Superintendent of Yellowstone National Park. Jack is a trained park official, and, obviously, a lover of the wild. Yet he actually praised the Yellowstone National Park *road* system, of all things. "That 'ribbon of blacktop' saves the park," he said. Each year, of the thousands of visitors who pass through Yellowstone, some 90 percent never stray more than a quarter-mile from the one half of one percent of park that's paved. The result: These routes protect the rest of the park—aesthetically and biologically.

How do you spread out visits, so more hikers and campers can use a park, but see fewer people when they do? Not by ignoring parks, or leaving them alone. Quite the contrary. You want to be *more* effective at telling people about what each of our National Parks has to offer. You see, relatively few of our parks are crowded all year round, and one reason is that the average person can name only a handful of the 344 parcels of land managed by the National Park Service (NPS). The result: everyone knows what Yellowstone is like in the summer—crowded. But how many people know that you can snowshoe through a *virtually deserted* Yellowstone during the off-season winter months?

We're trying to fix that. To help increase public awareness of what particular parks have to offer, the American Recreation Coalition is working with the NPS on an important pilot project. Last September, a blue-ribbon panel got together—representatives from The Coleman Company, American Youth Hostels, the Sport Fishing Institute, the U.S. Ski Association, the Recreation Vehicle Industry Association, and Yellowstone Tour and Travel—and we spent one full week exploring and analyzing the recreational possibilities in Voyageurs National Park, a little-known unit located on northern Minnesota's Canadian border. We evaluated the natural resources and facilities, compiled results, and plan to tell the people in our particular sectors of the outdoor recreation market how much this oft-overlooked park has to offer.

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Development Mean Destruction?

It's Time to Confront Overuse

and policy be continued in all National Parks, and especially in our great wilderness parks, such as Denali in Alaska, where our civilization has its best—and last—opportunity to preserve entire ecosystems in a natural state.

***Most would
accept restrictions on
backcountry camping if it
resulted in greater
resource protection.***

Overuse and overcrowding must be recognized and confronted by the NPS. Neither of these problems will merely go away—simply hoping that people will voluntarily *not* over-run a place is folly. Though we do not endorse limiting the number of visitors to our National Parks (they are paid for by all Americans, rich and poor, young and old, and must be available to us all), we do believe that the Park Service should limit the extent and nature of visitation to *key natural features, scenic areas, and backcountry destinations* in order to protect their unique natural values.

We support the concept of controlled visitation for overnight backcountry use—as is done now in many of our parks—in *all* National Parks. This would limit the physical impact of visitation, protecting natural resources from excessive degradation. We feel that most park users would accept reasonable restrictions on overnight backcountry camping if it resulted in greater resource protection and less crowding.

A perfect example of how to protect a park's resources and yet let people enjoy them is our proposal for restoring the natural environment in grossly congested Yosemite National Park. Yosemite Valley, one mile wide and seven miles long, where open meadows, magnificent rock formations, and ribbon waterfalls have thrilled visitors for almost 100 years, is also, unfortunately, the most developed area in our entire National Park System. Today, fast food restaurants, traffic jams, apartments, garages, shops, and countless other tourist facilities mar the visitor's view.

We should gradually phase out virtually all the motel rooms, cabins, clothing stores, maintenance buildings, and other structures now in the Valley, relocating them to three "staging areas" at the park's perimeter, where all essential services would thus be available to the park visitor. These areas would also serve as transportation centers, where shuttle buses would carry all visitors into the main valley and other popular sites within the park, permitting maximum use with a significant reduction in traffic conges-

You Can't Just Close the Door

The Voyageurs project will, we hope, show us how to improve the way our National Parks are used, a goal we feel is responsive to today's economic realities. In the same vein, we encourage improved recreational access to, and information about, other major land tracts, including the 400-unit National Wildlife Refuge system and the 180-million-acre National Forest system.

In a sense, what we're saying is that after more than a decade of focusing on resource protection, NPS is now getting more interested in assuring quality visitor *experiences*. It's all part of a dramatic pendulum swing away from the focus of the 1960s—expansion of the park system, and management of the parks' physical aspects—to an emphasis on *visitor management*.

Spearheaded by Secretary of the Interior Watt, this new attitude is a sensible progression. With little chance of increasing the size of the recreational pie—the land base—we must instead divide that pie to suit everyone's best interests. We can't lock people out, since the parks are designed *for* people.

But this solves only half the problem. There's still the matter of the National Park Service's income. After all, it costs money to maintain a park. The question is, how do you get more when you need more in these economically stringent times?

***Contracted
concessions will
add badly needed
revenue to the shrinking
park service budget.
But they're
not enough.***

One proposed way is to increase concessions within the National Parks. And contrary to what you may think, this does *not* mean that hot dog stands will be built at the foot of El Capitan. It *does* mean a sensible solution to an economic problem: The National Park Service needs to supplement and stretch its Congressionally allocated budget. Concessions, run not by NPS employees but by private parties under contract to the Park Service, could provide necessary services to park visitors while reducing the number of salaried park employees and lowering facility maintenance costs.

What kind of concessions are we talking about? Well, look at Grand Canyon National Park, where the Canadian-based film com-

It's Time to Confront Overuse

message to Congress and President Reagan: The American people clearly *want* and *need* more National Parks. Yet the current administration is the first since 1872 to categorically oppose additions to the park system. Secretary of the Interior James Watt has even tried to stop the acquisition of privately owned lands within existing parklands—units that have already been authorized for purchase by Congress. Watt argues that funds earmarked for acquisition would be better spent on restoring and improving park roads, bridges, sewers, and visitor facilities.

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**WILDERNESS PUBLIC RIGHTS FUND,
a nonprofit California Corporation,
Plaintiff-Appellant,**

v.

Thomas F. KLEPPE, Secretary of Interior, Department of the Interior, Gary Everhardt, Director of the National Park Service, Howard H. Chapman, Regional Director of the Western Region of the National Park Service, and Merle Stitt, Superintendent of Grand Canyon National Park, Defendants-Appellees.

Frederick B. EISEMAN, Jr., and Margaret H. Eiseman, husband and wife, J. R. Hertzler, Michael St. Clair, Plaintiffs-Appellants,

v.

Thomas F. KLEPPE, in his capacity as Secretary of the U. S. Department of Interior, Gary Everhardt, in his capacity as Director of the National Park Service, and Merle Stitt, in his capacity as Superintendent of Grand Canyon National Park, Defendants-Appellees.

Nos. 77-1606, 77-3693.

United States Court of Appeals,
Ninth Circuit.

As Amended on Nov. 1, 1979.
Denial of Rehearing and Rehearing
En Banc Dec. 17, 1979.

Actions were brought by noncommercial river runners challenging the manner in which use of the Colorado River for rafting and boating is apportioned between concessioners approved by the National Park Service and noncommercial users. The United States District Court for the District of Arizona, William P. Copple, J., 433 F.Supp. 1103, and the District Court for the Northern District of California, Cecil F. Poole, J., granted summary judgments in favor of defendants, and plaintiffs appealed. The Court of Appeals, Merrill, Circuit Judge, held that: (1) action of Secretary of the Interior in freezing the 1972 river use and

apportioning that use between commercial and noncommercial users was exempt from the Administrative Procedure Act's rule-making procedures; (2) allocation of use permits between two classes of recreational users was not per se an arbitrary method of recognizing and accommodating the interests of the two classes; and (3) proposed management plan for river, which departed from 1972 allocation and was soon to take effect, rendered moot challenge to specifics of interim management plan.

Affirmed.

1. Navigable Waters ⇔2

The action of the Secretary of the Interior in freezing the 1972 Colorado River boating and rafting use, and apportioning that use between commercial and noncommercial users, was exempt from the Administrative Procedure Act's rule-making procedures as "a matter relating * * * to public property, loans, grants, benefits or contracts." 5 U.S.C.A. § 553(a)(2).

2. Navigable Waters ⇔2

Review of permit system under which the National Park Service regulated rafting and boating use of the Colorado River had to be confined to question whether the Park Service had acted within its authority and whether action taken was arbitrary. 16 U.S.C.A. §§ 3, 20.

3. Navigable Waters ⇔2

Allocation of limited boating and rafting use on the Colorado River between commercial and noncommercial users was one method of assuring that rights of each were recognized and was well within area of administrative discretion granted the National Park Service. 16 U.S.C.A. § 3.

4. Navigable Waters ⇔2

Dispute in cases involving manner in which use of the Colorado River for rafting and boating was apportioned between concessioners approved by the National Park Service and noncommercial users, was not one between recreational users of river and commercial operators, whose use was for

profit, since commercial operators as concessioners were undertaking public function to provide services that the National Park Service deemed desirable for those visiting area, and thus basic face-off was between those who could make the run without professional assistance and those who could not. 16 U.S.C.A. § 20a.

5. Navigable Waters ⇄2

Requirements that noncommercial applicants apply to the National Park Service for permits to boat or raft down the Colorado River, meet deadlines, and set forth names of all in proposed party, while those who make the trip under guide may deal directly with the concessioners and make arrangements at the last minute, comported with the Park Service's right to regulate river trips in the interest of safety and there was nothing unreasonable in thus assuring, as a matter of safety, that those who made the trip on their own undertook necessary preparation and possessed necessary skill. 16 U.S.C.A. §§ 3, 20.

6. Navigable Waters ⇄2

Allocation of permits between two classes of recreational users of the Colorado River, consisting of concessioners approved by the National Park Service and noncommercial users, was not per se an arbitrary method of recognizing and accommodating the interests of the two classes. 16 U.S.C.A. § 3.

7. Administrative Law and Procedure ⇄749

There is judicial presumption favoring validity of administrative action.

8. Administrative Law and Procedure ⇄790

Navigable Waters ⇄2

Where several administrative solutions exist for a problem, courts will uphold any one with a rational basis, but Secretary of the Interior's balancing of competing uses of the Colorado River could not be an arbitrary one.

* Honorable Otto R. Skopil, Jr., now a member of this court, was, at the time of the hearing in

9. Federal Courts ⇄757

Proposed management plan for rafting and boating on the Colorado River, which departed from 1972 allocation of use permits between commercial and noncommercial users, rendered moot specifics of interim management plan, which was based on 1972 data and which was about to be superseded by final plan.

Donald P. Nemir, Inc., San Francisco, Cal., Bruce E. Meyerson, Phoenix, Ariz., argued, for plaintiff-appellant.

Carl Strass, Washington, D.C., argued, for defendants-appellees; Richard S. Allemann, Asst. U. S. Atty., Phoenix, Ariz., on brief.

Appeal from the United States District Court for the Northern District of California; and the District of Arizona.

Before MERRILL and ANDERSON, Circuit Judges, and SKOPIL,* District Judge.

MERRILL, Circuit Judge:

These cases involve the manner in which use of the Colorado River for rafting and boating is apportioned between concessioners approved by the National Park Service and noncommercial users. Permits from the National Park Service are required for river use and the dispute here concerns the apportionment made in granting permits.

In December, 1972, the Secretary of the Interior found that the boating and rafting use of the Colorado River in the Grand Canyon National Park had experienced such an increase that it posed a threat to the ecology of the river. A study was initiated for the purpose of ascertaining river capacity and it was decided that until completion of the study use of the river should be frozen at the 1972 level. Accordingly, river use was limited to 96,600 user days per year (a user day being one day spent on the river by one person). This total use was apportioned between two user groups in the ratio of actual 1972 use by each group: 89,000

this matter, Chief United States District Judge of the District of Oregon, sitting by designation.

user days or 92 percent of the total use was allotted to commercial concessioners of the Park Service who, for a fee, make guided trips through the canyon; 7,600 user days or 8 percent of the total was allotted to noncommercial users who apply for permits as private groups. Noncommercial users for the most part are experienced in river running and furnish their own equipment and supplies. Expenses are shared, as is the performance of the necessary duties involved. Permits for river use and the apportionment thereof have remained frozen at the 1972 level.

Appellants are, or represent, noncommercial river runners who, on various grounds, challenge the apportionment between commercial and noncommercial users. They assert that they, or those they represent, have applied for permits from the Park Service which were denied, the Service instead having granted permits to persons who used them for commercial purposes. In January, 1975, a member of Wilderness Public Rights Fund petitioned the Secretary for a change in the allocation system for the issuance of permits. The request was denied.

Both actions before us assert jurisdiction under the judicial review portions of the Administrative Procedure Act, 5 U.S.C. § 701, *et seq.*, and the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.* The Wilderness Public Rights Fund action was brought in the Northern District of California in June, 1976. As relief it sought an injunction staying the issuance of permits for river use to commercial permittees and concessioners "until such time as it can be determined to what extent commercial services are necessary and appropriate." It sought a declaration that noncommercial users are entitled to priority over commercial users.

The Eiseman action was brought in the District of Arizona in March, 1977. It was more modest in its claims and in the relief sought. It did not seek priority for the noncommercial users over the commercial users. It sought equal access to the river and an order directing the Secretary and the Service to implement a plan providing equal access.

In both cases summary judgment in favor of appellees was granted and these appeals followed.

A number of statutes and regulations bear on the issues of these actions. 16 U.S.C. § 1 creates the National Park Service (hereinafter NPS) in the Department of the Interior and directs it to "promote and regulate the use of the Federal areas known as national parks, monuments and reservations * * * by such means and measures as conform to the fundamental purpose of said parks, monuments and reservations * * *." That purpose is stated to be "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

16 U.S.C. § 3 provides in part:

"The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service * * *. He may also grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments or other reservations [herein provided for] but for periods not exceeding thirty years; and no natural curiosities, wonders, or objects of interest shall be leased, rented, or granted to anyone on such terms as to interfere with free access to them by the public * * *."

Pursuant to this authority the Secretary has promulgated 36 C.F.R. § 7.4(h)(3) as follows:

"(3) No person shall conduct, lead, or guide a river trip unless such person possesses a permit issued by the Superintendent, Grand Canyon National Park. The National Park Service reserves the right to limit the number of such permits issued, or the number of persons traveling on trips authorized by such permits when, in the opinion of the National Park Service, such limitations are necessary in

the interest of public safety or protection of the ecological and environmental values of the area."

The Concessions Policy Act, 16 U.S.C. § 20 provides in part:

"It is the policy of the Congress that such development [concessions] shall be limited to those that are necessary and appropriate for public use and enjoyment of the national park area in which they are located * * *."

Appellants first attack the failure of the NPS to follow the dictates of the Administrative Procedure Act. They contend that the allocation of user days between commercial and noncommercial users amounted to rule making and that no hearings were held where the noncommercial users could present their views, contrary to the requirements of the Administrative Procedure Act.

[1] That Act, 5 U.S.C. § 553(a)(2), excepts from the rule-making procedures "a matter relating * * * to public property, loans, grants, benefits or contracts." The government contends that this exempts the action of the Secretary in freezing the 1972 river use and apportioning that use between the commercial and noncommercial users. We agree. Cf. *Duke City Lumber Co. v. Butz*, 382 F.Supp. 362, 378 (D.D.C. 1974), *aff'd in part*, 176 U.S.App.D.C. 218, 539 F.2d 220 (D.C.Cir. 1976), *cert. denied*, 429 U.S. 1039, 97 S.Ct. 737, 50 L.Ed.2d 751 (1977).

Appellants contend that allocation between commercial and noncommercial use of the river is not an acceptable method of accomplishing a limitation of river use. They propose that anyone wishing to run the river should apply for a permit, leaving to him, if his application be granted, the choice between joining a guided party or a noncommercial party; that permits then be granted by lottery or on a first-come-first-served basis. They assert that the record establishes that such a method is feasible. They contend that there is no justification for allocating between commercial and noncommercial use, and that to do so amounts to arbitrary action; that it denies them "free access" to the river contrary to 16

U.S.C. § 3 and permits development by concession to a degree in excess of that allowed by the Concessions Policy Act. We disagree.

[2, 3] The Secretary of the Interior, acting through the NPS, has the wide ranging responsibility of managing the national parks. 16 U.S.C. § 3. *Universal Interpretive Shuttle Corp. v. WMATC*, 393 U.S. 186, 187, 89 S.Ct. 354, 21 L.Ed.2d 334 (1968); *Udall v. Washington, Virginia & Maryland Coach Co.*, 130 U.S.App.D.C. 171, 398 F.2d 765 (D.C.Cir. 1968), *cert. denied*, 393 U.S. 1017, 89 S.Ct. 620, 622, 21 L.Ed.2d 561 (1969). Pursuant to this authority, the NPS regulates use of the Colorado River through the permit requirement described in 36 C.F.R. § 7.4(h)(3), *supra*. In issuing permits, the Service has recognized that those who make recreational use of the river fall into two classes: those who have the skills and equipment to run the river without professional guidance and those who do not. The Service recognizes its obligation to protect the interests of both classes of users. It can hardly be faulted for doing so. If the over-all use of the river must, for the river's protection, be limited, and if the rights of all are to be recognized, then the "free access" of any user must be limited to the extent necessary to accommodate the access rights of others. We must confine our review of the permit system to the question whether the NPS has acted within its authority and whether the action taken is arbitrary. *Citizens to Preserve Overton Park v. Volpe*, 401 U.S. 402, 414, 91 S.Ct. 814, 28 L.Ed.2d 136 (1971). Allocation of the limited use between the two groups is one method of assuring that the rights of each are recognized and, if fairly done pursuant to appropriate standards, is a reasonable method and cannot be said to be arbitrary. It is well within the area of administrative discretion granted to the NPS.

[4] Throughout these proceedings Wilderness Public Rights Fund has persisted in viewing the dispute as one between the recreational users of the river and the commercial operators, whose use is for profit.

Outfitters opposed to permit bid

April 8, 1962

1630

*Salmon
Recreation Board*

*OK
OK*

The North American Outfitters object "violently" to the proposed competitive bid method of issuing outfitter permits.

Norman Guth, Salmon, president of the group, said that "if I were going to write a scenario for the destruction of the outfitting business I could think of no better one than what the Forest Service proposes."

"They don't realize that every outfitter in the county is going to have to submit a prospectus and bid on every river in the United States in an effort to secure some kind of a business for the future."

"They literally are going to have to pour over thousands of prospectuses, which may run as high as 500 written pages, to select from that large list who the final permittees will be. After that no doubt there will be court challenges and appeals made upon their decisions, to the point where the cost to the government of administering such a system would far surpass any income they would hope to obtain from the permit fees."

Guth said he had conferred with Gov. John Evans in Boise Wednesday on the proposals and that the matter will be taken up at the spring meeting of the Idaho Outfitters and Guides meeting in Moscow April 8-9. Congressman Larry Craig is the keynote speaker and will address the matter.

Guth said that in Wyoming the oil companies have been buying up outfitting businesses and that the outfitters in that state are real concerned if the bid prospectus goes into effect.

"Big money will buy up all the outfitter permits," he said.

Guth said the Forest Service refers to the outfitting industry as a high profit business but an economic report done in Montana shows the average income in that state to be \$20,739.

The Forest Service this week announced that it is currently reviewing its policies for permitting outfitter and guide activities on national forests.

Guth said that the bid and prospectus requirement would discourage professionalism and investment and is extremely inconsiderate of previous investments of capital and years of experience.

"Quality of services provided for public enjoyment will be jeopardized," he said. "The financial stability and integrity of the outfitting industry as we know it today would be destroyed. Cost to the environment caused by irresponsible, unknowledgable operators will be difficult to calculate."

"Local economies will suffer because the incentive to invest in extensive headquarters complexes and property will be destroyed."

Guth continued: "For many years now the Forest Service has felt that profit was an obscene word and even more so when one of their permits became a part of that profit."

"The outfitters is the direct advocate of 15 per cent of the Adirondack population paying the taxes which support the Forest

Service and use the public lands for their personal enjoyment."

"It is time for the government agencies to realize the need for tax payers and understand what they can do to preserve this endangered species. For the past several years Forest Service people have concerned themselves primarily with the advocacy of the private user, the researcher and other users of the public lands that do not generate tax dollars."

"This is exemplified by 80 per cent use allocations to the private sector on the Selway, Flathead and other rivers where use has been recently permitted."

"In their rush to eliminate profit in the outfitting businesses, which depends upon special use permits, the Forest Service has confused the authority to grant, transfer and re-issue permits and allotments with the freedom two consenting parties should have to buy and sell all or part of a business."

"A permit is merely the document of consent issued by the government to allow an individual or corporation to use public land for a specified purpose."

"It's only value is the fee the agency collects which is the same for all permits of like nature. No person can sell a permit, only the agency issuing it can do that. Likewise, only that agency can re-issue a permit, therefore, it adds no value to that business and only constitutes a liability."

"It is capability and opportunity that is being bought and sold. The sale of an outfitting business should receive the same considerations enjoyed by ranches, mines, logging operations and ski areas, all of which depend upon some nature of special use permit."

Guth said "that as far as land use fees are concerned we have no problem with a reasonable increase but feel that 32 times is too much, especially when they just this year lowered the grazing permit fees charged to livestock growers. I cannot agree with charging more for a non-consumptive use than a consumptive use."

"The Forest Service in their paper favor a competitive bidding policy as this would return the most to the government. They devote three-fourths of the paper to selling this concept. They are ignoring the fact that the government is not in business and does not own the land. The people own and use the public land and pay for its administration through taxes."

"They are concerned also that rates charged by outfitters limit their clientele to only the affluent. I resent the implication that the affluent are undesirable citizens. They are the ones who pay the most tax dollars and should receive at least equal consideration."

"Competition in the business controls prices and keeps them at minimum levels while high user fees and complications imposed by government inflate everyone's costs."

"The high demand for the opportunity to become an outfitter that the Forest Service refers to does not seem to present itself to the Idaho State Outfitters and Guides Licensing Board for they tell them they have a waiting list of only four to five applicants per river that stays basically the same from year to year."

Guth said: "In my particular situation I started in the outfitting business at a time when no kind of permit was required. The Forest Service then imposed permits and now they tell me that they are going to put the business that I have devoted my life to, of nearly 30 years, up for auction in the highest bid for."

APPENDIX D

Political Implications

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REGISTRATION
S. L. L. S.

MONTANA OUTFITTERS & GUIDES ASSOCIATION

F.S. R-4
RECEIVED
JUN 25 1982
RL&M

P. O. Box 505
Seeley Lake, MT
59868
June 10, 1982

TO: All M.O.G.A. members
1982 Newsletter No. 4

As I told you in my last newsletter, Duane Neal, Ralph Holman and I would be going to Washington, D. C. to meet with our legislative delegation and top level Forest Service and Bureau of Land Management officials to see if we could stop any serious consideration of the "Issue Analysis Special Use Permits for Commercial Outfitter/Guide Operations on the National Forests (Reference FSM 272.53)" which was sent out under a cover letter from R. M. Housley, Deputy Chief, Dated February 25, 1982.

Duane, Ralph and I flew to Washington, D.C. May 16, by Northwest Airlines at good discount rates as a courtesy from Jack Atcheson, and started our program early Monday morning May 17. We had a 6:30 A.M. breakfast meeting with other outfitters involved, and were happy to find that we had about 50 outfitters from some 18 or 20 states. After the meeting, I joined a committee of some seven men from other states for a meeting with Frank Blake and C. Boylan Gray of Vice President Bush's task force on small business. They were receptive to our problems and offered help. Duane and Ralph met with Peter Coppelman and Andy Weisner of the Wilderness Society, and were again promised help. In the afternoon, I went on with my group to meet with Senator McClure and Representative Craig of Idaho, while Duane and Ralph made the first contact with the Forest Service by meeting with Bob Wier, Dick Joy and Dave Scott who are all in the recreation division. At this meeting, Duane and Ralph were told that there were a couple hundred letters in concerning the Issue Analysis.

On the morning of May 18, Duane, Ralph and I all went to see Bob Wier to ask to see the letters they had received, and see if we could determine a trend. At first, Bob was a little cold, but he finally agreed to let us see them. We examined them in as much detail as we could in the short amount of time that we had, and found there were over 1,000 letters from outfitters, guests, and others. We also found out that there were about 3 letters in support of the bid prospectus, a few more or less undecided, and the rest strongly opposed, in our favor.

That afternoon we began a series of meetings with our congressional delegates. At 1:00 P.M. we met with Ron Marleene. You may remember that Ron sent me the first copy of the paper concerning this issue that came to Montana, with a letter wondering if it would not do great harm to our industry. He was equally sensitive when we met with him personally, and offered his help. While we were there, he had one of his staff arrange a meeting with Max Peterson and John Crowell. (Max Peterson is the Chief of the Forest Service and John Crowell is Assistant Secretary of Agriculture, as you probably know.) Ron called in two of his staff - Dick Fritz, and Si Jameson who were both very cooperative. We found that Dick was the one who intercepted that first copy of the Issue Analysis and got it headed our way. We decided he is a very capable man, and he and Ron are certainly good friends of the outfitters.

At 2:00 P.M. we had a meeting set up with Pat Williams, but we were late getting out of Ron Marleene's office, and found that it takes more time than expected to get from one office to another, so we were late for the 2:00 o'clock appointment with Pat. We did visit a short time with his staff man, Art Noonan, who works in this area. I believe we were able to make him more aware of our problems, and now have his cooperation. At 3:00 P.M. we met with John Melcher and his staff man, Jim Rock. Jim seemed to want us to bargain, and asked if we would be satisfied to be able to match a bid on bid prospectus. We told him we did not feel we could settle for that type of position. When we talked to John, he told us he felt we should continue to oppose the changes, and he sent a letter to Max Peterson in our support. At 4:00 P.M. we met with Max Saupe and his staff man, Steve Rovig. Both were very supportive. We found that Max had read a two-page position statement into the Congressional Record on our behalf, which, of course, was calling it to the attention of many more legislators. He advised us to keep on it, and he was solidly behind us.

At 6:00 P.M., we had another meeting with all of the outfitters, and we compared our first two days' efforts. We felt we were getting an indication that we were developing a lot of support, and that legislators were falling in behind us.

I had intended to cover our trip in detail, and touch all of the meetings that we made while we were back there. However, I can see now that I have taken considerable space to cover just two days of the six that we spent in our capitol, so from now on I'll just cover the high spots and the conclusions we came to. In making this long story short, I would like you to know that we made 22 meetings in five days, and that is a rather tight schedule in Washington, D. C. we found out.

At any rate, we got our first real feelings of accomplishment when we met with Max Peterson, Bob Wier and Roy Fouchter at 2:30 the afternoon of the 19th, and Max said he

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felt the papers were probably poorly conceived and handled. We met with Pat Williams and his aide, Art Noonan, at 3:30 and found that he was behind us, too, and we felt good to know we had all of Montana's delegation working with us.

At 10:00 A.M., May 20th, all of the outfitters there met with Max Peterson and his recreation staff, with John Crowell sitting in for a while, and we were assured that the Forest Service would cooperate with us, and end any further consideration of the analysis papers until further study is made. He asked the outfitters to set up a committee of less than 10 men to work with his staff to study the entire subject and make management recommendations to the Forest Service for future administration. Afterwards, the outfitters asked if we could use the room for an outfitter meeting, and we chose our committee to work with Max and his staff. They will be: Norm Guth from Idaho, Manford Isley from Oregon, Harold Turner from Wyoming, Dick Linford from California, Art Stavley from Arizona, Dave Brown from Eastern Professional River Outfitters, and me from Montana. It will be a committee of seven, and each of us picked an alternate from our state to go with us and keep abreast of it. Since Duane is Regional Forest Service Chairman for MOGA, and a member of the Outfitter Council, I felt he was my best choice as alternate. Of course, he is also an officer of our organization, and a member of the Board of Directors.

After this meeting, we continued to touch base with B.L.M., and I am sure we have their full support, and that they will be included in the committee.

Duane, Ralph and I again met with our congressional delegates before leaving, and are sure they are right with us.

Our last meeting was with John Crowell. He was very warm and cooperative and said that he would have Max arrange the meetings at a place more appropriate for the outfitters, such as Denver, or Salt Lake, or Missoula. He also gave us instructions in making appeals so that he might consider them personally.

I forgot to mention that while we were there, we worked with a lawyer who was hired by Western River Guides, to coordinate things. His name is Stephen E. Rody.

Since returning home, I have received two letters from Steve Rody. The last came a few days ago and it contained a letter to Max Peterson signed by nine Senators and 29 Representatives. It re-states five points that Max agreed to. They are: -

1. The need to maintain the current system whereby the Forest Service allows permits to be transferred upon the sale of the business to another qualified outfitter. The Service would continue to allow such sales to recognize the good will value of the business.
2. The need to continue the Forest Service practice of renewing outfitter permits so long as the outfitters perform satisfactorily under the terms of the permit.
3. The need to extend the term of outfitter permits to a five or 10 year term.
4. The need to equitably apportion any new permits, or any permits which have been revoked, or which have lapsed. Such an apportionment would involve consultation among federal and state agencies, and recommendations by the outfitters, under a formula which is acceptable to the outfitters.
5. The need to continue the current day use fee, procedure, to set the level of the day use fee for outfitters at its 1967 level, and to escalate the fee based on the Consumer Price Index (CPI).

The letter goes on to say that the Senators and Representatives look forward to working with Max in formulating an equitable national policy which will protect outfitters and the outfitted public.

Frankly, I feel good about it. It looks like we might be able to stop any application of the entire Issue Analysis. However, I feel we must keep on it, and not let up until the new ideas become part of the policy and regulations.

At the present time, we are working on a time and place for a meeting. As I get more information, I will let you know.

In the meantime, keep the letters going to Max Peterson and our Senators and Representatives. Incidentally, Ron and Pat, and Max and John all signed the letter that went to Max Peterson.

June 10, 1982

I believe one of the best ideas was to have our guests write to the Forest Service and their Senators and Representatives. I know it was the reason that so many of the delegates got right behind our cause. I also believe more of them are joining it every day. I received a letter from John Edward Porter, a Representative from Illinois, who had received a letter from one of our guests. Mr. Porter says that he is joining the cause, and not to hesitate to write him again for more help.

Therefore, until we have it set in concrete, let's keep up the letters and ask our guests to continue. I feel we must keep up the interest until we are able to hold the committee meetings and get something positive in the Forest Service Manual.

I guess that about covers it. This Issue Analysis has so completely monopolized my activities for the past month or so that I am behind in everything else, as I know Duane and Ralph are. I had hoped to get some notes from them to add to this, but in the essence of time, I will send it on without. I will take this opportunity to thank both Duane and Ralph. They are certainly dedicated, and we all worked well together.

As other issues come up, I will get out another newsletter. I am sorry about the length of this one, but felt you would, and should, want to know the details.

Sincerely,

C. B.

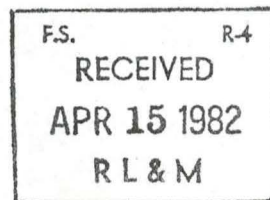
C. B. Rich, President

CBR/rjc



OFFICE OF THE GOVERNOR

STATE CAPITOL
BOISE 83720



April 9, 1982

Mr. R. M. Housley
Deputy Chief
Forest Service, USDA
12th & Independence SW
P.O. Box 2417
Washington, D.C. 20013

Dear Mr. Housley:

I have had an opportunity to review the Forest Service's "Issue Analysis: Special Use Permits for Commercial Outfitter/Guide Operations on the National Forests." I have a keen interest in your proposal as the outfitter and guide business is a vital and important part of Idaho's tourism industry.

Your proposal has created considerable anxiety within the outfitter and guide community at a time when outfitters and guides and most businesses in Idaho are suffering because of the national recession. I commend the Forest Service for meeting with the outfitters and guides on this proposal, but feel that significant alteration of this proposal is necessary.

I believe your proposal not only jeopardizes the viability and professionalism of the outfitters and guides business, but it also fails to recognize the statutory role of the state in this matter. It is my view that the State of Idaho plays an appropriate and key role in this matter through state management of water, fish and wildlife, and through the licensing of outfitters and guides. The Idaho Outfitters and Guides Board has done a credible job in allocating licenses and maintaining high professional standards. I support the Outfitters and Guides Board in carrying out their statutory responsibilities.


I support the collection of fees for the use of our public lands, but I feel that such fees, on the order of those suggested in the proposal, are excessively high.

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Mr. R. M. Housley
April 9, 1982
Page Two

In closing, I would like to urge you to continue to work with the outfitters and guides to resolve this matter, and I offer the services of my office to mediate this issue should that be necessary.

Sincerely,

A handwritten signature in cursive script, reading "John V. Evans". The signature is fluid and stylized, with the first name "John" being particularly prominent.

JOHN V. EVANS
GOVERNOR

JVE:pmcc

cc: Idaho Congressional Delegation
Regional Foresters
Outfitters and Guides Board
Idaho Outfitters' and Guides' Assn.

At first glance, it was an innocuous in-house memo—just another housekeeping measure to tidy up some inconsistencies in Forest Service policy.

The September 1980 memo simply explained that "in order to correct contradictory FSM [Forest Service Manual] direction in regard to the granting of outfitter/guide permits, we [the Forest Service] have revised numbered paragraph 4 of FSM 2721.53a to delete the second sentence of the paragraph. This direction is in conflict with FSM 2721.2 which requires the issuing of a prospectus when competitive interest exists.

"This deletion has been approved," the memo continued, "but several weeks will be required for publication."

Sounds harmless enough. But the Forest Service obviously had some inkling of the upcoming controversy when the agency included this statement in the memo: "We do not see this as an abrupt change in the outfitter/guide permit granting procedures since we have been moving toward competitive award for permits for the past several years.... Outfitter/guides who have operated for a number of years under a permit often oppose the granting of future permits through the competitive process. However, they need not feel threatened."

The Forest Service was wrong—very wrong. Outfitters and guides considered this a shockingly abrupt change and felt very threatened.

Can the outfitting industry survive the bureaucracy?

By Sanna Porte

THE OUTFITTERS had a good reason to feel threatened. The second sentence of paragraph number 4 is the one that states: "where possible to do so, past permittees who have provided satisfactory service, and have observed permit conditions, will be given preference for a permit consistent with recreation and resource management needs." With the removal of the preference clause, plus other proposed changes in permitting policy, outfitters saw more than just an abrupt change in procedures. They saw their livelihoods flash before their eyes. And they've been fighting back.

At their side have been a coalition of strange bedfellows: the National Rifle Association; the National Ski Association; national, state and local Chambers of Commerce; state tourist bureaus; the National Wildlife Federation; the livestock industry; governors, Congressional delegates, county commissioners on both sides of the political fence; all the major national and state conservation organizations, such as the American Wilderness Alliance and the Sierra Club; and the Mountain States Legal Foundation.

Why should these disparate groups mutually care to preserve the status quo of the nation's outfitting industry? It appears that more people in this country understand and appreciate the contribution outfitters make to the recreational, environmental, and economic quality of the country than the Forest Service—or perhaps even the outfitters themselves, for that matter—realized.

The issue came to a head shortly after that September 1980 in-house memo was issued. In September 1981, a preliminary draft policy statement was circulated within the Forest Service proposing termination of the preference practice and several other major policy changes. When word of that document leaked to some of the country's outfitters, they asked to see it.

They were stonewalled. Not to worry, the FS assured them. No big changes afoot. About the same time, the Forest Service began letting permits on several major recreational rivers, the Kern and Tuolumne in California and the Chattooga in the Carolinas, up for bid. "That," says Jerry Mallett, executive director of the Western River Guides Association, Inc. (WRGA), "was when things started to get hot."

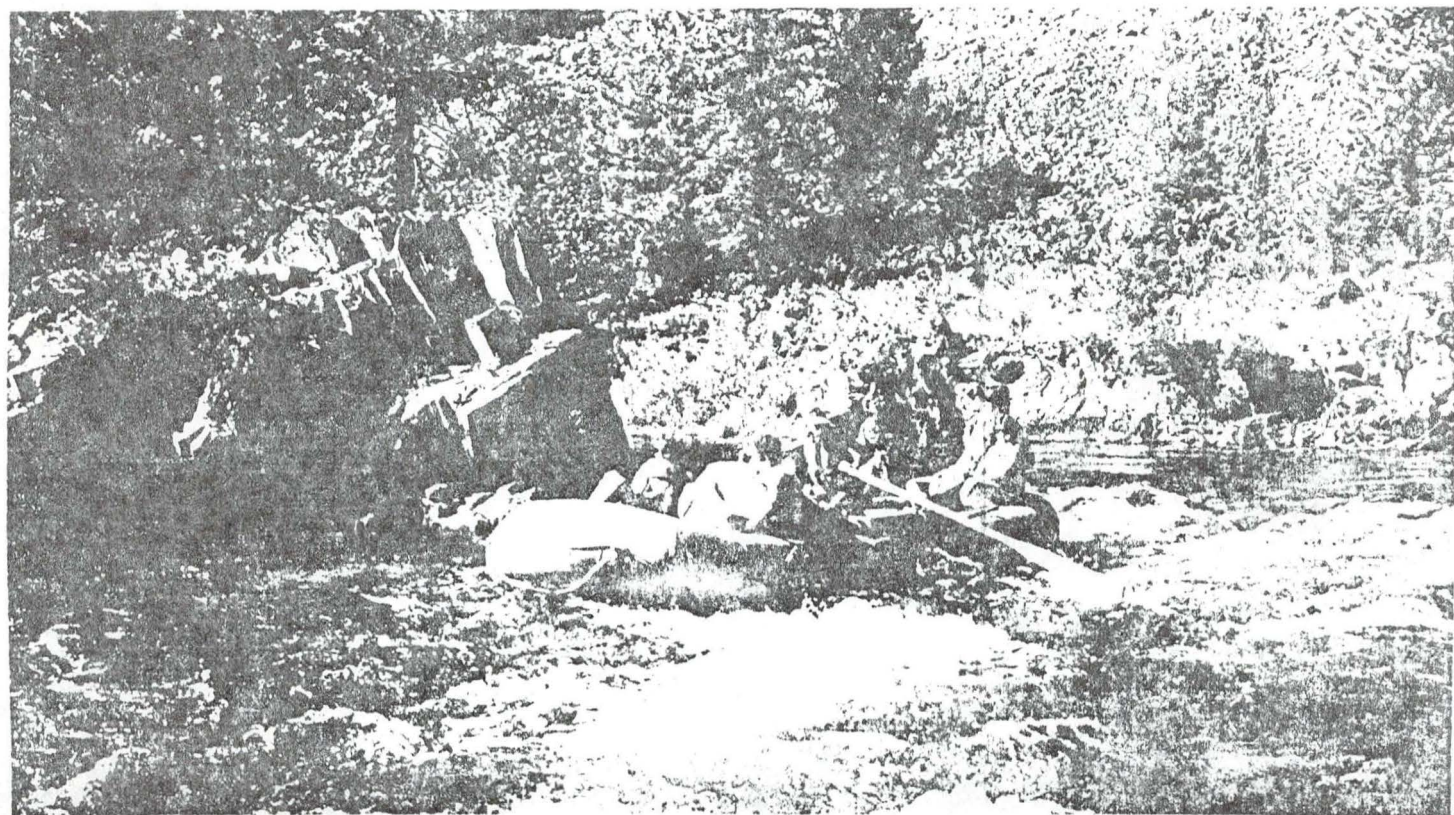
Mallett and his organization got involved in the issue in early 1981, when, Mallett says, "It looked like the whole industry would fall through the cracks."

Eventually, The outfitters were tipped off that the FS preliminary draft policy statement discussed the following changes in outfitter permit policy:

Please turn page.



Bob Lane



Doug O'looney

—issuing all permits for outfitters (including river guides, hunting guides, helicopter skiing, cross-country skiing—in short, anyone who guides for hire) through competitive bidding, for a permit tenure of three to five years;

—granting no preferential treatment in the awarding of permits;

—increasing outfitter user fees from the present 25 cents per day to as much as \$8 per day, the amount to be decided on a sliding scale of gross annual income divided by the number of recreation days an outfitter spent in an area;

—discontinuing the practice of allowing an outfitter to transfer his permit along with the sale of his business to a qualified buyer;

—allowing no subcontracting on permits;

—In short, according to the outfitters, disrupting the entire outfitting business.

In December 1981, some of Idaho's outfitters' organizations told the staff of Idaho's Republican Senator James McClure what they had heard about this FS document, which promised to be devastating to the integrity of the outfitting industry. A McClure aide called Washington D.C. and told the story to his boss, who asked the FS to see the document. There was no document, he was told. McClure's aide relayed that message back to the Idaho outfitters, who by that time had secured a copy of the elusive FS draft. "From that point," says Mallett, "The Forest Service was put on notice there would be trouble."

The outfitters, backed now by conservative Senator McClure, chairman of the powerful Senate Energy and Natural Resources Committee, and the rest of the Idaho delegation, insisted that the FS was attempting to change policy behind their backs, with no public input. "Our experience with the Forest Service in the past," said outfitter Dick Linford, president of Echo, the Wilderness Company, "has been that once something has been put on paper...the mold is already formed, the concrete poured, and all that remains is to stir some fast-drying cement. It is apparent to us that initiation of the [proposed] changes would give the outfitting industry the stability of shooting craps. Since the Forest Service has not communicated with the outfitters about the problems and proposed changes, we are alarmed and trying to do something about them."

Finally, on February 25, 1982, the Forest Service went public with a document called "Issue Analysis—Special Use Permits for Commercial Outfitter/Guide Operations on the National Forests (References FSM 272.53)."

The Forest Service allowed 90 days for comment on the paper. "You had better hit them [the FS] over the head with a boat oar to get their attention," Idaho Congressman Larry Craig counseled the outfitters. "I don't think they realized what they were getting into."

The outfitters needed little coaching. They got the Forest Service's attention, all

right. In the ensuing three months, the FS, as well as the outfitters themselves, found out just how many friends the outfitting industry has. With the Western River Guides Association leading the charge, outfitters across America—a hitherto relatively unorganized group of independent, self-made types with certainly no established lobbying force in D.C.—began activating clientele mailing lists and contacting state, local, and federal officials, announcing the imminent death of the outfitting industry as it exists.

By the end of the comment period, the Forest Service had received almost 3,000 letters. More than 99 percent supported the outfitters position: "Why change what works?"

As a crowning coup, 40 outfitters, several each from Oregon, Idaho, Washington, California, Montana, Wyoming, Colorado, and the East, swapped their Woolrich shirts for suits and ties and descended on Washington, D.C. that May. During a week-long blitz they met with Congressional delegates and higher-ups in the Agriculture and Interior departments. The result was overwhelming support for the outfitting industry. Conservationists joined with conservatives on the outfitters' bandwagon—including delegates as historically unsympathetic to environmental issues as Sens. John Glenn, Howard Baker, Idaho's McClure and Steve Symms, Montana's John Melcher; and Reps. Larry Craig and Ron Marlenee—38 delegates in all. Chip Mellor of the Mountain States Legal Foundation, Interior Secretary Watt's old outfit, offered to help in the D.C. campaign, but told the outfitter contingent, "You people have already touched every base I can think of!"

"A lot of the people in Washington," explains Mallett, "had hunted and fished with [the outfitters]. People who had killed an elk or run a big river with these guys had a lot of respect for them. The results were awesome."

One awesome result was that the Forest Service backed off—fast. So did the BLM, which had been right on the Forest Service's heels in proposing a competitive bid permitting system for outfitters operating on BLM land.

On May 20, 1982, a rather startled Forest Service chief Max Peterson met with the outfitters. Peterson had been taken off guard by the outfitters' fervid response to an issue that had originated with a few individuals within the Forest Service. He assured the outfitters he would work closely with them over the next twelve months to arrive at a mutually satisfactory permit system. But this assurance was dampened by the fact that the FS was, at the same time, processing competitive bids for the Chattooga and Kern rivers. That made outfitters nervous.

At length, in a June 1982 letter to the North American Outfitters, Peterson promised that no policy change would be made

Outfitters have a huge stake in protecting the lands that provide their livelihood.

until June 1983. He agreed to set up a council, including representatives from the outfitting industry, to work with the FS in revising the permit process. He said permits on the Chattooga River would be offered to current operators whose permits expire this year, in lieu of the previous plan to issue requests for bids for 1983 and beyond. Too late, he apologized, to stop competitive bids already issued for the Kern.

So why all the ballyhoo? If all sectors of the American population—including some FS employees—so fervently favor maintaining the outfitting industry's status quo, why did the FS want to rock the boat in the first place?

The Forest Service, of course, denies any attempt to implement policy changes behind closed doors. ("I don't think there's anything subversive," defended a FS regional supervisor. "You don't make that kind of change behind closed doors anymore. You'd end up in court in a minute.") Many observers—including some outfitters—agree to some extent with Congressman Larry Craig that the FS simply didn't know what a can of worms it was opening, that the controversial proposal stemmed mainly from gross ignorance of the outfitter industry on the part of the Washington bureaucracy from whence the proposal emanated. "We feel," testified the Montana Outfitters and Guides Association, "that this proposal is based primarily on assumptions, conclusions and estimations that are not valid and that it reflects a definite lack of knowledge and experience with the outfitting industry."

Of course, as the FS will hasten to argue, the agency's reasons for considering changes to its permit system are not so simplistic. There are several urgent issues regarding recreational use of public lands that recreationists, outfitters, and managing agencies alike recognize must be resolved.

"Basically," said the regional supervisor of Montana's Lincoln National Forest, "it's the old game of a finite resource that we're trying to allocate among a growing number of users."

In the beginning, there were no permits. As recently as 30 years ago, outfitters merely set up camp at will on the rivers in the mountains. When the permit system was established, special use permits were issued for the asking. These were yearly permits, automatically renewed as long as FS conditions were met.

much less concerned about providing quality service or about taking care of rivers and forests. They'd have to raise rates, too, making it harder for the less affluent to take outfitted trips. The cost of preparing bids and sharing profits with the federal government via radically higher fees would raise rates even further. (Outfitters don't oppose reasonable fee increases. But they believe "the most glaring weakness" of the FS proposal, in light of the industry's tremendously high overhead costs—particularly equipment costs, is that it suggests gross revenue as a foundation for the fee schedule.)

Outfitters have already gotten a taste of the high cost—and red tape—of bid preparation. The FS points to the Tuolumne River in California as a shining example of how well competitive bid works. But Steve Cutright, an outfitter on that river, complains that the FS "told us when we submitted our 580 page bid [which cost around \$8,000 to prepare] they would have their decision in five days. That was four weeks ago. Since then they asked us for additional information, requiring another 100 man-hours to complete." In the end, outfitters claim, the selection of outfitters was based as much on politics as on the outfitters' merits as measured by the prospectus.

The FS proposal could make it impossible for outfitters to get the bank loans they rely on to float them through dry seasons. "No lending institution," testified an outfitter business, "is going to give serious consideration to a business that will be placed up for competitive bid in several years or cannot be sold because there is no consideration of transfer of the important public lands permit." Mallett claims that the FS, just by issuing its Issue Analysis paper, effectively issued a lien on all outfitters' businesses. Banks won't touch them, Mallett states, because the proposal puts them in such a tenuous position.

All of these considerations, outfitters fear, could lock out everyone but the very affluent from the outfitting business. Permits will be granted on the basis of attractive bids rather than demonstrable skills. Outfitters foresee the day when only corporations that can afford to offer sky-high fees to the government and hire Madison Avenue to prepare their bids will get permits.

That's not just paranoia talking. That's a threat which even some FS officials recognize. "It would be really easy," said a regional supervisor, "for an outfitter to act as a front for Exxon," providing the skills portion of the bid so the corporation could monopolize hunting and fishing access.

Adding insult to all this injury, outfitters fume, the outfitting industry is the only one of the many industries making a profit off of federal land to be singled out. Outfitting is a much less consumptive use than grazing, for example. Yet grazers actually had their fees lowered in 1982. Their permits guarantee them preference and transferability. Why weren't the grazers picked on

too? demanded outfitters. "The Forest Service answered us," reports an outfitter correspondence, "that we'd be happy to know they were starting to think about putting grazing leases up for competitive bid as well. So, of course, we brought it up to the cattlemen and said, 'you guys are next.' " They brought it up to ski resorts, too, as well as homeowners and in-holders on FS land and others who use federal land on a permitted basis. Realizing their permits could be in jeopardy, these other users have raised their voices in support of the outfitters.

The outfitters also brought it up to the FS that other federal agencies administering permits in situations analogous to outfitter permits grant preferential rights of renewal to permittees. Several agencies acknowledge that granting preference renewal to satisfactory operators serves the public interest by encouraging existing licensees to provide consistently superior service as a means of helping ensure their licenses will be renewed.

The National Park Service, for example, is governed by the Concessions Policy Act of 1965, which explicitly states that the NPS "shall encourage continuity of operations" by giving renewal preference to existing concessioners who have satisfied their permit obligations. This applies directly to river operators within the park system. Outfitters and their Congressional supporters have suggested a concessioner policy act for the FS.

For all the hoofrah it's caused, it's a good thing this can of worms has been

The last thing the Forest Service wants is a national concessions policy act that would dilute the agency's power over the outfitting industry, but this might be the outcome of the bid and prospectus controversy.

opened. ("It's not a can of worms," groaned a FS official. "It's a can of hot snakes.") It has sparked public discussion on an issue too vast to cover here: how to ration out a steadily diminishing resource amidst steadily increasing demand. It has opened some eyes as to how important the wild resource is to Americans. "Unfortunately," Mallett notes, "the Forest Service is finding out a little too late. They should have realized it earlier and appropriated less land for development" and more for wild areas.

It's disturbing that the FS Issues Analysis gives no ink at all to the option of increasing the resource by setting aside more wild lands and rivers. This would make room for more recreationists—both outfitted and private—increasing recreation opportunities for everyone as well as improving local economies. □

Bid and Prospectus: presstime update

On December 1, 1982, the Forest Service and Bureau of Land Management met with a committee of outfitters in Boise, Idaho to discuss a revised operation plan for outfitter permits.

This draft proposal states that outfitter businesses would not be put on a competitive bid process. It also allows a permit to be reissued to a buyer of an existing outfitter business, providing the buyer meets qualifications. Another important recommendation in the draft document advises extending the existing one-year permit to a five-year permit.

This new proposal represents a major change in FS direction. Much of the credit for this new support for outfitters' concerns goes to FS Chief Max Peterson, as it developed when he became directly involved in the FS management plan.

However, outfitters are still concerned that the special use fees proposed by the agencies are excessive. The FS and BLM

propose that three percent of outfitters' gross revenues go to the government. Outfitters and agencies have agreed to continue open discussion on this item.

What You Can Do

Write a short letter to Max Peterson, Chief, U.S. Forest Service, P.O. Box 2417, Washington, D.C. 20013 and let him know that:

- You appreciate his support for the outfitting industry;
- You support the Forest Service's recommendations to allow transfer of permits to qualified buyers; and
- You believe the bidding process for existing outfitters will harm the outfitting industry and, in turn, the segment of the general public that depends on outfitters for their outdoor experiences.

In the early 1970s, as recreational use of rivers and wilderness increased radically, the FS began controlling outfitter use by limiting the number of permits issued and limiting the use allowed under each permit. Outfitters who held permits when these limits were established generally continued to have their permits reissued annually. In essence, they were granted preference when permits were reissued.

In addition, though permits have always officially been nontransferable, it has long been the practice for the permitting agency to give preference to the buyer of an outfitting business—providing the buyer meets qualifications. "This practice," argues the FS, "has led many permittees to erroneously believe they have a right to buy and sell the future use privileges and to command a high price for their businesses based on that right....Buyers routinely purchase National Forest-dependent businesses with the expectation that they will continue to be given preference in the award of permits."

The FS calls it "blue sky" value. Because demand for river and wilderness access has outstripped supply, permits have become a valuable commodity. The outfitter accordingly has included a price for the value of his permit in the sale price of his business.

Outfitters, on the other hand, prefer to call the appreciation in the value of their permits "good-will" value—the value of the reputation they have built into their businesses through years of hard work and consistent quality of service to the public. They are accustomed to figuring that good-will into the value of their businesses in transactions between a willing buyer and a willing seller.

Although the FS doesn't officially recognize the permit as a commodity, it does recognize that the federal government is not getting the "full market value" for use of public lands and waterways. The FS complains that the government gets only 25 cents per day per client from current fees, totalling about \$500,000 annually, while the outfitting business brings hundreds of millions of dollars into local communities. And it's unfair, argues the FS, for a business charging high fares, such as helicopter skiing, to pay the same user fee as a business charging lower fares, such as horse packing.

The Forest Service's Issue Analysis paper presents all these problems and offers several optional solutions. The document clearly concludes, however, that the option of *competitive bidding* "would provide the ultimate assurance that the Government is receiving full value for the permitted use. In essence, the value of the privilege would be determined in the market place and would be reflective of fair market value."

How would the bid and prospectus system work? The FS suggests that all outfitters would be invited, by issuance of a prospectus, to bid. Permits would be awarded based on experience, demonstrated skills, financial capability, fees to the government, rates charged to the

public, and other criteria appropriate to specific areas.

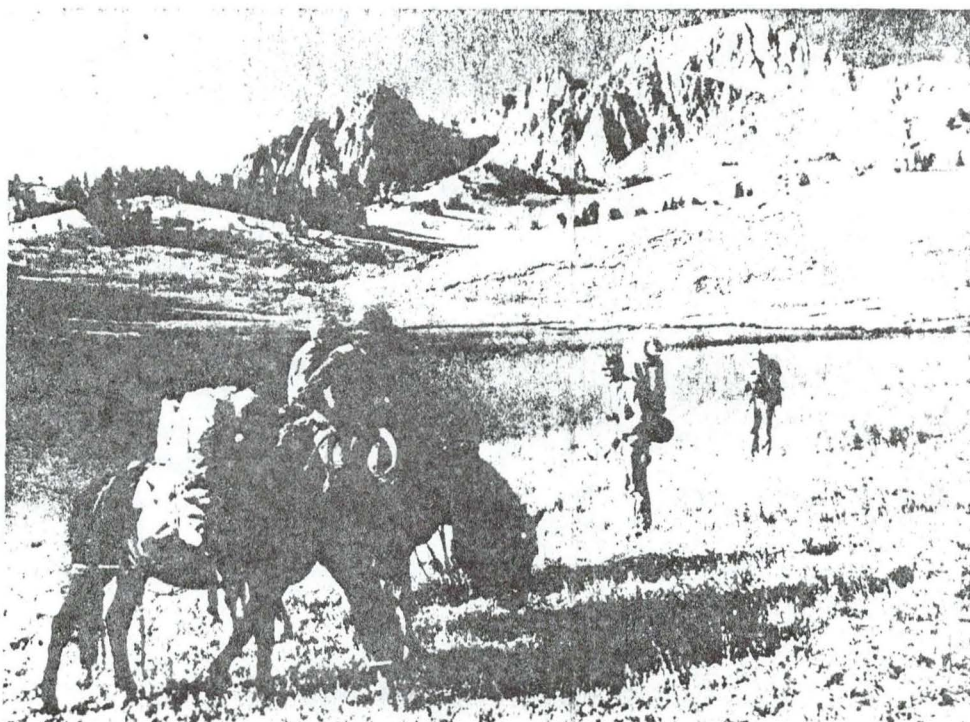
Outfitters widely acknowledge the problems of archaically low fees, the inability of new outfitters to break into the business, and the allocation of federal land among a rapidly growing number of users. However, as Montana outfitter Mike Bay—who annually signs up on "the list" for a permit along with 20 to 30 other aspiring young outfitters—puts it, "The answer is not to get rid of the outfitter." And that, the majority of the country's outfitters devoutly believe, is exactly what the bid system will do.

A certain number of people—possibly the same 1 percent who wrote the FS in support of competitive bid—have suggested it wouldn't be such a bad idea to get rid of several major elements in the outfitting industry. Most vocal is the National Organization for River Sports (NORS), based in Colorado Springs. NORS complains that the present preference system has led to "virtual ownership of river and forest recreation by a group of entrenched companies," and strongly endorses competitive bid. They also complain that the FS document makes almost no mention of the denial of noncommercial river permits to thousands of applicants each season. They suggest a system whereby commercial trip customers would make reservations for river use just as self-guided boaters do.

Outfitters recognize the sticky issue of allocating use of an increasingly limited resource between commercial and noncommercial use. But they still deny that the answer is to debilitate the outfitter industry. To do so would be to deny wildlands access to a large sector of society that can't get into these areas without the assistance of an outfitting and guiding service. To deny these people access, suggests Mallett, is tantamount to elitism.

Mallett assigns many of NORS's arguments to the fact that they are a group of people, some of them "quasi-commercial" (i.e. bootleg) outfitters, who want to be able to run the river they want to run when they want to run it. The fact is, claims Mallett, most of those people generally can get on another river if they can't get a permit for the one they particularly want, as they usually have the flexibility and equipment to do so. That's not the case, says Mallett, for the typical outfitter client, who must plan far in advance for river trips. A letter to the FS from a Los Altos, California client seems to bear that out: "If I have to delay until the last moment to find out who my guide is or I have to take a guide who has been issued a permit on the basis of his position in a lottery or competitive bidding, we will just very simply forego any future trips."

There are several good reasons why the public from Los Altos should continue to have access to good outfitted trips—reasons



Mike Sample

What the Forest Service is finding out—too late—is that they should have allocated less land for development.

illustrating the fact that outfitters serve a crucial function both for recreationists and for those concerned about protecting wild areas.

With 400 to 500 outfitters in each of the Northern Rockies states, outfitters have been a decisive voice in wilderness designation. In addition, without commercial outfitters providing access to people who lack the equipment and know-how to function in a wild environment, wildernesses truly would be "locked up" to a whole segment of society, giving wilderness opponents more fuel for their

anti-wilderness arguments. Congress, in fact, foresaw the need for outfitters on federal wilderness lands and specifically provided for commercial outfitter/guide service in the Wilderness Act of 1964.

Outfitters have a huge stake in protecting the areas that provide their livelihood. As Hughes River Expeditions of Idaho testified, "The professionalism which outfitters and guides have developed has helped protect the federal lands from abuse." That testimony brought up another important point: "In addition to taking care of the federal lands, outfitters have become

successful businessmen who are very important to their local, state and regional economies."

Wyoming Governor Ed Herschler echoed that in his comments to the FS: "The Wyoming outfitter industry is an integral part of our overall recreation/tourism industry...[that] is currently Wyoming's second leading economic sector in terms of jobs and income. The quality, vitality, and stability of our outfitting industry is particularly important to the economic health of the communities from which outfitters operate." WRGA figures show that outfitters contribute \$50 to \$60 million per western state to the economy annually.

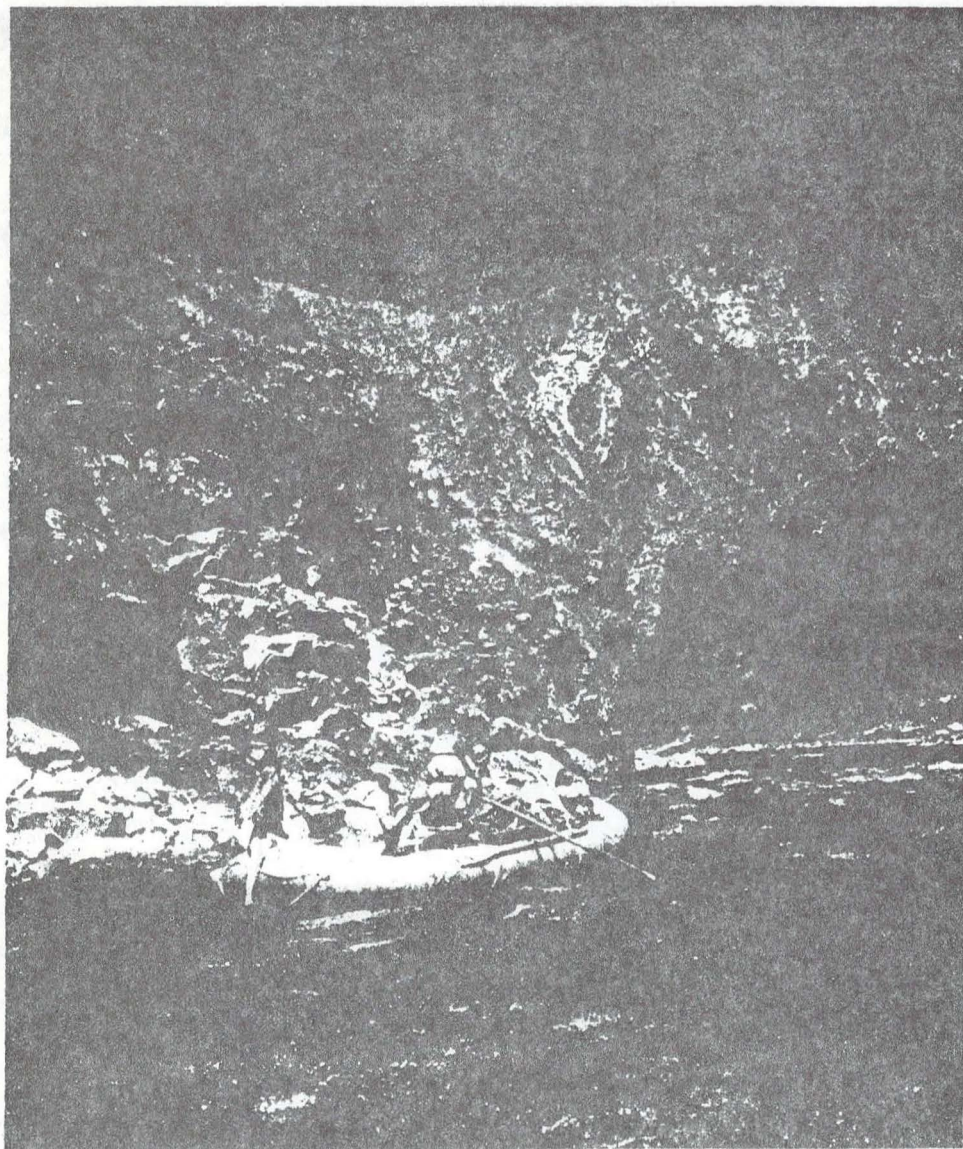
"The outfitter and guide industry contributes megadollars to the western economy," stated a BLM memo regarding BLM's consideration of a competitive bid permit system. The memo continued, "Outfitters feel very strongly that they, like any other business, should be able to build an equity and then sell for a profit if the opportunity arises. The 'blue sky' value of a federal permit is considered a part of the business. It is naïve of us to continue to insist that a permit has no value."

The outfitters agree. And that is at the heart of their opposition to the Forest Service's proposal.

By historically granting preference and *de facto* transferability of permits, the current permitting system has given the permit an undeniable value. That value can be tampered with only at the expense of outfitters who have built their livelihood around it. Outfitters have invested time and capital into their businesses, assured that when they sold out they would be able to realize the value of their efforts and investments. If an outfitter were unable to transfer his permits along with equipment and clientele, his business would be worth vastly less than what he invested in it. As one outfitter put it, "My business isn't worth a dime without that permit." Outfitters would lose their investments. "It would almost amount to confiscation of property," remarked another operator.

It's a double whammy. Outfitters wouldn't be able to recoup investments by selling their businesses and they wouldn't even be assured they could continue themselves, if competitive bidding were imposed. "I started in the outfitting business at a time when no permit was required," testified Norman H. Guth, president of North American Outfitters. "The Forest Service then imposed permits and now they tell me they're going to put the business that I have devoted my life to for nearly 40 years up for bid."

Outfitters believe competitive bidding for a permit good for only three to five years, with no assurance of reissuance, will produce operators seeking the quickest possible return on their investments. The quality of service will deteriorate. So could the quality of the environment. Operators with only three to five years to turn a profit would be



Doug O'looney

Without commercial outfitters providing access to people who lack the equipment and know how to function in a wild environment, wilderness would truly be "locked up" to an entire segment of society.

APPENDIX E

Administration of Permits

NORS/CURRENTS RIVER ACCESS

Government to Allow Permit Sales

by NORS Staff

The Federal government is planning to give river trip operators around the nation the right to sell their river-use permits to other companies. NORS is calling on Congress to stop the proposal.

At press-time, the U.S. Forest Service and Bureau of Land Management were preparing notices of policy changes for the *Federal Register*, which will grant all river trip outfitters permanent control of their river access allotments, including the right to sell their allotments to other companies. One surprised government official commented that the outfitter organizations "can hardly contain their glee."

Affected rivers include the Salmon, Selway, and Snake in Idaho, the Rogue in Oregon, the Kern, Stanislaus, American, and Tuolumne in California, Westwater and Desolation Canyons in Utah, the Chatooga in Georgia/South Carolina, and other rivers. Also affected are hunting, horse-packing, fishing, helicopter-skiing, and other outdoor activities on public lands throughout the nation. River trip operators on all major wilderness rivers presently operate under a government-enforced monopoly (or *cartel*.) NORS officers say that the new policy will remove any meaningful government controls, while continuing the present cartel, thus allowing, and even obligating, operators to "gouge" river trip customers for access to public lands.

In addition, the new policy, by locking in outfitter allotments, will also prevent local river managers from making any major change in the ratio of river use allocations between commercial and noncommercial river use, NORS officers say. Self-guided river runners will have to be content with the present overwhelming odds against getting their own permit on major wilderness rivers.

A year ago, (see *CURRENTS*, April 1982,) the Forest Service distributed an "issue analysis on outfitter/guide permits" for public comment. The "analysis" acknowledged the abuses of the commercial permits, and proposed various possible reforms that would put actual practice back into line with existing laws. But government documents show that large river tour operators in Idaho, Utah, and neighboring states convinced their Congressmen to petition the Forest Service to withdraw the reforms. In their place, the Forest Service is now proposing a policy that, instead of banning the permit sales, would make them easier to transact.

NORS officers and staffers are urging the

Forest Service and Congressmen to kill the proposal. But government officials warn that more river runners must contact their Congressmen if the policy is to be halted.

Meanwhile, at press-time NORS members from around the nation were writing letters of protest to Forest Service managers at Idaho's Middle Fork of the Salmon River, (sending copies to their Congressmen and NORS,) about the agency's new phone-in system for noncommercial permits. Many applicants reportedly dialed all day on the first day of the phone-in (Saturday, February 5,) only to get recordings that "all circuits are busy". One caller who did get through at 10:30 a.m. said the rangers told him that the first available date was in late August (when the river's flow is usually all but gone.)

In related news, managers at the Grand Canyon announced a new policy whereby noncommercial applicants will have to remember to re-apply every year for some ten years to get a permit. (see companion article.)

But, ironically, the river runners who have twice made permit-less protest trips on a "permit river" have apparently done so with impunity. It has been nearly three years since the "Yampa Three" first ran the Yampa River in Dinosaur National Monument, a National Park Service holding, in a deliberate challenge to the legality of the manner of allocating permits. In that run, they made a brief appearance in court but the charges against them were dismissed. After their second run, with a dozen people in July 1982, rangers told them they would later be summoned to court, but at press-time they had received no summons or notice of any kind, and over six months had passed, leading observers to speculate that the manner of allocating permits may indeed be unenforceable. The "Yampa Three" are still maintaining the "Dinosaur Trial Fund", collected three years ago, in the event that they should be brought to trial.

In Utah, the Bureau of Land Management has confirmed that it will charge all noncommercial river runners to run Utah's popular Westwater and Desolation Canyons this summer, even though B.L.M. offices in the rest of the country have postponed plans to implement the controversial fees. The fees were proposed last year by the Reagan administration. NORS officers point out that off-road vehicles and other forms of deliberately-destructive recreation on B.L.M. lands will pay no fees, while river runners will pay just to float by B.L.M. land.

Send letters on the permit-selling proposal to:

Recreation Management Office,
Forest Service, USDA
P.O. Box 2417, Room 4241-S
Washington, D.C. 20013

...and to:

Senator (name)
U.S. Senate
Washington, D.C. 20510

...and to:

Representative (name)
U.S. House of Representatives
Washington, D.C. 20515

An Open Letter to Congress

Dear Congressman:

This letter is to inform you about what could be the greatest step backward since the first National Parks and Forests were designated a century ago—a step that will fundamentally harm public recreation on all our prime rivers and wilderness areas. The U.S. Forest Service is about to publish proposed policy changes in the *Federal Register* that give certain outfitter/guides unheard-of control over our nation's best recreational rivers and outdoor areas, unresponsive to either market forces or meaningful government intervention. *We need your help to avert this disaster!*

To understand the problem, recall that up until ten years ago, just about anyone who wanted to could start an outfitter/guide business on any of our nation's great whitewater rivers, or hunting and fishing areas. But as river trips and other backcountry recreation got more popular, local forest rangers set "moratoriums" on outfitter/guide operations, whereby they gave allotments of use to existing operators, and stopped any new ones from entering the market—setting the stage for monopolistic abuses.

On paper, the allotments were "a privilege, not a right." The Forest Service indicated that when the outfitter permits expired, they would review the evolving needs of the public, and then make changes in outfitter/guide operations in any given area if necessary to better serve public needs. And they said they would control prices. Of course, this is precisely what existing laws require, not only in National Forests but in all other areas where government agencies make deals with the private sector.

But the years went by, and the understaffed field offices failed to carry out any changes, even when the public raised various objections. The outfitters soon began to think of their permit allotments as permanent rights to operate—a kind of squatter's rights, whereby whoever first stakes a claim to a piece of public land gets a perpetual right to operate there, immune to public control. River running and other wilderness trips continued to increase in popularity. The outfitters pushed prices upward, and began to enjoy the special fruits of a government-enforced monopoly with no serious government control.

Roughly five years ago, the so-called "right" to operate in these areas began to take on a sizeable value, and some outfitters sold their permits to larger corporations. The local rangers failed to halt these transactions. If the buying company could meet rudimentary criteria for public safety and the like, they rubber-stamped the sale, calling it a "permit transfer". When outfitters saw this, speculation set in, and prices for permits zoomed upward to 6-digit and 7-digit sums. Needless to say, the costs of acquiring these permits were passed on to the customers, and river trip prices doubled. Public outcry increased, and rangers at many of the areas realized that certain changes were overdue. They proposed these changes at various times in the usual public-meeting manner. But now, since some of the outfitters had purchased their permits on the open market, they (naturally) felt that they *owned* the right to operate on the public lands, and that the Forest Service was therefore infringing on their property rights!

Finally, the Forest Service in Washington, D.C., realized that these prime public recreation areas were rapidly falling into a form of private ownership, and that it was necessary to put field practice back into line with existing laws. In March 1982, the Forest Service distributed an eye-opening "issue analysis", describing the problems and some possible solutions.

We were glad that the Forest Service was finally taking action. We submitted over 20 pages of detailed recommendations, many of which were aimed at making outfitter businesses more stable and profitable. Since any business enterprise takes several years to develop, we urged the Forest Service to lengthen outfitter permits, "depending on how big an investment the operator is going to make." We declared that the public, through the Forest Service, "does indeed owe the outfitters a guarantee that they can operate for a sufficient number of seasons to receive ample rewards for their business effort."

But we also strongly urged the Forest Service to put a halt to the creeping conversion to private ownership of outfitter permits. We said, "when government decides to limit the number of operators, the public can no

longer express its preference through patronage. The government must therefore use the competitive-award system as a substitute for the normal market-determination system."

In summarizing, we urged the Forest Service to "give the operators certainty that they can make money over a multi-year contract. But give the public certainty that it still has 100% ownership of the resource, so that when the multi-year contracts come to their

"Exorbitant" Rates

The following is a direct quote from the economic study that was commissioned by the National Park Service when it was preparing the river management plan for the Grand Canyon. This study gives an insight into the situation that is now emerging on Forest Service and B.L.M. rivers:

"The exorbitant rates of return in the commercial river running industry appear to be the result of several factors:

- a. NPS entry policy which severely limited the number of firms in the industry during a period of strong consumer demand;
- b. NPS allocation policy which fixed concessioner market shares, thereby eliminating the incentive to increase sales and service by lowering prices;
- c. NPS policy with respect to concession fees, which set the government's share of the concessioner's 'take' at little more than a nuisance level;
- d. The failure of the NPS to exercise its statutory authority in reviewing the fees charged the public by commercial operators and to ensure that these operators supplied cost-based services; and
- e. A natural desire to maximize profits on the part of firms in the industry."

pre-appointed end, the public, through the Forest Service managers, will still be able to freely chart the future for public properties, making no compromises with any other would-be owners."

Of course, there are still some rivers and forests where access is not yet limited. On those rivers, services to customers and outfitter business success are still determined by conventional supply-and-demand economics. The problem is only on "limited-

access" rivers. When the Forest Service sent out the "issue analysis", many outfitters on limited-access rivers had already gotten the sweet smell of having a permanent claim to do business under a government-enforced monopoly. In ominous tones, they told outdoor organizations and members of Congress that if the Forest Service halts the "permit transfers", the result will be "severe damage" to the outfitting industry" and to "local economies". Many people, not realizing that business out in the backcountry is no different from business in the city, believed these phony arguments. These misguided folks wrote letters to the Forest Service calling for not less, but *more* "permit transfers". Finally, the Forest Service knuckled under to the lobby, and is now issuing a "notice of proposed policy changes" in the *Federal Register* that gives the entrenched outfitters everything they asked for, including "permit transfers".

In discussing these so-called "permit transfers", it is important to realize that access is what is being sold, not businesses. The buyers usually don't buy the business name, they don't assume its accounts payable or accounts receivable, and they make little or no use of its goodwill. Instead, they typically start up (or expand) their own business, using their own name, and developing their own marketing program. "New Permits Acquired—Choice Reservations Available!" the ads declare in outdoor magazines. In truth, it is only the permit and some used equipment that is sold. Since the equipment is easy to put a value on, the amount paid for the permit is obvious.

It doesn't take an economist to realize what these permit sales mean. Since the buyers are paying large sums that must necessarily be passed on to the customers, the only logical conclusion is that the customers are paying more for outfitter services than the services are worth. The inescapable fact is that the customers are paying for the *access* to public lands—paying private businesses, that is. We have, once simply, a system that grants a government-enforced monopoly to a few outfitters, and then allows them—indeed, *obligates* them—to charge whatever the market will bear. Charging whatever the market will bear may be commendable in various free-enterprise industries that operate on private lands, but it is nothing but a crime when done under a government-enforced monopoly on public lands. It is a crime against the American public, because the public already *owns* public lands. The whole point of designating our National Park Forests, and other publicly-owned works of nature was so that the public would *avoid* paying private owners just for the right to go on such lands.

Of course, we do favor allowing outfitters to charge reasonable prices for their services,

continued next page

ANNUAL OPERATING PLAN

An Addendum to the Special Use Permit

TRAINING TRIPS

1. The District Ranger will be given _____ advance notice with respect to any planned training trips.
2. Paying passengers will not be taken on any training trips that are made outside the regular launch schedule indicated on page 1 of the Special Use permit.
3. Campsite selections for training trips will be made only after all other parties launching on the same day have made their selections.
4. Training trips occurring between June _____ and September 3rd, will be taken only on (1) assigned launch dates as appear in the Special Use permit, or (2) an eight day turn around schedule based on the assigned launch date.

LICENSES

1. The Forest Service will be furnished with a photo copy of my current Idaho Outfitter license.
2. The Forest Service will be furnished with a list of names, addresses and State Guide license numbers of all guides and trainees employed by me on the Middle Fork of the Salmon River.

NON-USE

1. If a part of the Special Use permit goes unused for two consecutive years, the permit will be reviewed jointly by the District Ranger, and myself to discuss why that part of the permit is unused. If it is determined by the review that there were no extenuating circumstances (i.e., extreme high or low water conditions, fire closures, or proof of a last minute trip cancellation), that portion of the permit may be terminated.

NON-USE (con't)

2. The Middle Fork District will be notified two weeks in advance of any launch dates which will not be used as described on page one (1) of the Special Use permit.

PERMITTEE OBLIGATION

1. Each employee concerned with my boating operation will be informed of all rules, regulations and conditions of use pertaining to the Middle Fork of the Salmon.
2. Before launch, all passengers will be informed of the hazards associated with a river trip as well as necessary safety measures to be taken during the trip. Such measures will include camp safety procedures as well as boating safety procedures (e.g. the wearing of life jackets, fire safety, hiking, swimming, boating safety, etc.).
3. Before launch and during the trip all passengers will be informed of the rules and regulations, pertaining to river use. Such as rules and regulations, including but are not limited to the condition of use stated on the River Trip Permit.

SAFETY AND RESCUE PLAN

A safety, Search & Rescue Plan will be submitted for the Middle Fork boating operation, which will be reviewed and approved by the District Ranger. This plan will be updated each year. The plan should include but not be limited to:

- a. An evacuation plan for the seriously injured.
- b. Notification of authorities.
- c. Proper loading procedures of boats
- d. Procedure to check for faulty equipment

SAFETY AND RESCUE PLAN (con't)

- e. High water hazards.
- f. Survival while in the water and out.
- g. Rescue
- h. Drowning victims

FIRST AID REQUIREMENTS

All boatmen will have adequate first aid training and current first aid cards.

A first aid kit will be carried on each trip.

SALE

In the event of the sale of my Middle Fork boating business, I and my prospective buyers will contact the Forest Service before any transaction takes place. At that time the District Ranger will discuss the criteria for the re-issuance of the Special Use permit.

In the event the buyer is a corporation, the permittee must inform the corporation that there are certain guidelines set forth by the Forest Service under clause #22 (X-92), and #23 (X-93) of the Special Use permit which the corporation must follow.

MANAGING AGENT

In the event that I decide to hire a managing agent, it is my understanding there are certain guidelines set forth by the Forest Service that must be followed. I will contact the District Ranger for information regarding these guidelines prior to initiating any managing agent agreements.

BROCHURE & PRICING

Each year I will furnish the Middle Fork District with current promotional brochures and price lists. It is my understanding that if the present brochure and prices remain unchanged, I am only required to send a letter, relating this to the District Ranger. The Forest Service will be given

BROCHURE & PRICING (con't)

sixty (60) days prior notice of any price changes or reprint relating to my Middle Fork boating operation.

SPLIT TRIPS

Split trips will be allowed only on prior approval from the District Ranger. Even though the final decision will be made based on the availability of campsites the day of launch.

CAMPSITE

All campsite selection will take place the day of launch. You should have your campsite preference list ready to present to the Forest personnel the night before launch. Also you will need a representative present the morning of launch (no later than 9:00 am) in case there are conflicts with your campsite choices.

The Forest Service Guard stationed at the point of launch will act as arbiter when a conflict of campsite selection occurs between river parties.

BOUNDARY CREEK LAUNCH

Rigging boats and equipment the day before launch will take place only after all groups have departed for the day, or it has been okayed by the Forest Service person in charge. Your boats must be grouped together and tied away from the bottom of the launch ramp. This is needed so other groups arriving late in the afternoon can move their equipment to the river.

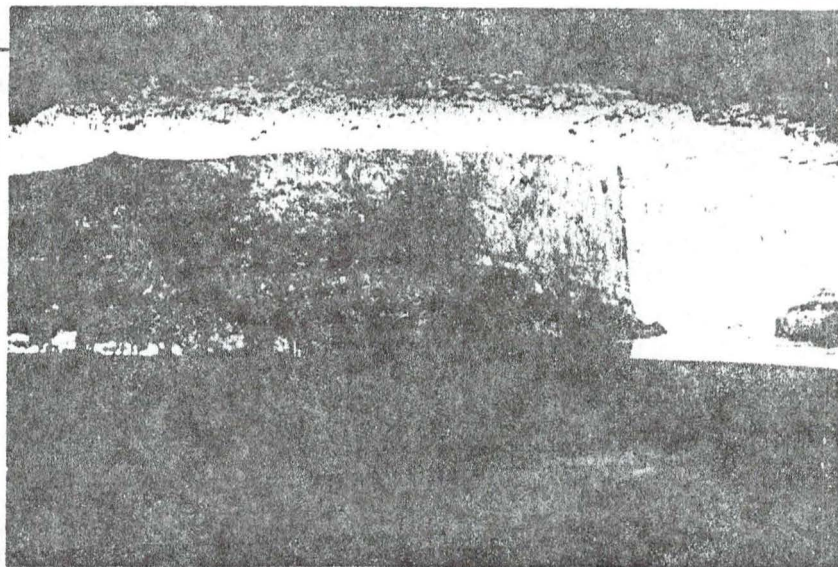
DEAD HEAD TRIPS

All dead head trips will be okayed by the Forest Service personnel in charge at Boundary Creek.

More Grand Canyon Suite

Park Service Makes Getting Permits Harder

Commentary by Fletcher Anderson



People appear as small silhouettes in this photo taken inside Red Wall Cavern, looking out at the Colorado River in the Grand Canyon.

The Grand Canyon of the Colorado River is famous as the most desirable river trip in the world... and the hardest one to get a permit for. Recent changes in the National Park Service's river management plan will make it easier for some people to get permits, while making it harder for the less motivated or well-informed. Administrative changes will make it easier for the Park Service to issue new permits so that river runners can take advantage of cancellations.

The NPS currently maintains an active waiting list of over 2,700 private river runners in line for the only 220 permits issued each season... a list in theory a full twelve years long and growing rapidly (although natural attrition and cancellations make the actual wait more like ten years long.) The

problem is that noncommercial use of the river has to be limited to about 2,700 people per summer in order to keep space available for the nearly 10,000 people a year permitted for commercial tour operators. Commercial waiting lists, where they exist, are reckoned in days, not in decades. Certainly the easiest way to shorten the waiting list would be to rationalize use allocations between the commercial and noncommercial sectors, or to issue permits to all river runners and let them make their own decisions about hiring outfitters. Neither of those solutions is popular with the multi-million dollar tour industry. The traditional relationship between the tour operators and the Park Service make it unlikely that river managers will voluntarily adopt such simple solutions.

While the latest administrative changes do little to eliminate the huge dichotomy between permits issued and applicants, they go a long way towards assuring that all permits will be used, and may make it possible for a determined applicant to get a permit within a reasonable time.

The Park Service will now *no longer notify you* when it is time to annually express interest in staying on the list. Further, you can only notify them of your intent between Dec. 15th and Jan. 31st, and only by mail. Presumably, a lot of applicants are going to get the dates wrong at least once during the ten years of re-applying that it will take to get a permit. Devoted or well-informed river runners (such as readers of *CURRENTS*) will be reminded of the mid-winter deadline. Those who forget or miss the proper re-application period will find that once again they will be starting all over again at the end of the long waiting list. With a ten year wait, it is likely that only hard core river runners will bother to go through the whole procedure, especially when all you have to do to get on as a commercial passenger is flash

a credit card at a tour operator. The prohibitively complex application procedures and the penalties for failing to follow them properly will undoubtedly combine to both shorten the waiting list and to move dedicated applicants along the chain faster. This change is necessary in part just to reduce the office work-load of the Park Service in maintaining the tremendous list.

There will be a second way to get a permit. On the first working day in January, anyone on the list (no matter at what point) can enter a phone-a-thon to Park Headquarters (602-638-2411, ext.443) to claim unassigned launch dates on a first-come first served basis. Naturally, scheduling conflicts always create some unassigned dates, particularly in the mid-winter season when snow blankets the canyon rims. (This year, since the new policies are going into effect as of March 1, the phone a-thon also begins March 1 rather than January 1.)

In order that they be notified early enough about cancellations to find someone to fill the space, the Park Service now will allow you to remain on the waiting list one more year if you notify them of your cancellation 60 days in advance. Notify them too late, and you start all over again from zero—and only after a penalty year goes by.

For full information and the proper forms to fill out, write: National Park Service, River Subdistrict, P.O. Box 129, Grand Canyon, Arizona 86023.

By making it harder and more complex for the average person to obtain a permit, the Park Service has made it possible for "insiders" in the river running community to get permits sooner. Being a *CURRENTS* reader makes you something of an insider. You owe it to yourself to take advantage of it, for no matter how you get there, nothing else on earth can compare with the Grand Canyon.

Letter continued from previous page

and make reasonable or even above-average profits in their businesses. And we favor allowing outfitters to sell their businesses—in the true sense—as long as such sales are separate from the permits. But the system we're about to get obligates the outfitters, and obligates the public, to pay huge excess costs just for the permit rights. That's why we insist that the Forest Service must stop the permit-selling proposal, and must grant permits by competitive award to whomever can best provide for public needs.

The entrenched outfitters say that if the government grants permits by competitive award, then big, slick companies will win the permits—forcing the "experienced outfitter" out. But what they really mean is that competitive award will prevent them from charging an enormous unjustified royalty to new companies for the "right" to operate on prime public lands—a royalty that is passed on to the public in the form of high prices.

Continued on page 18

The day the Forest Service finalizes the permit selling proposal, permit prices will shoot upward. Every operator on the limited-access rivers will gain an overnight windfall profit, and the knot will be tied on the biggest public land rip-off in the history of outdoor recreation.

Please help us avert this public-lands swindle! Write the Forest Service today. Tell them to jettison the permit profiteering proposal, and replace it with a policy that conforms to existing laws and protects the public interest... a policy that sets a reasonable expiration date on each outfitter permit, and

requires the local rangers to grant those permits by competitive award to whomever will best fill public needs.

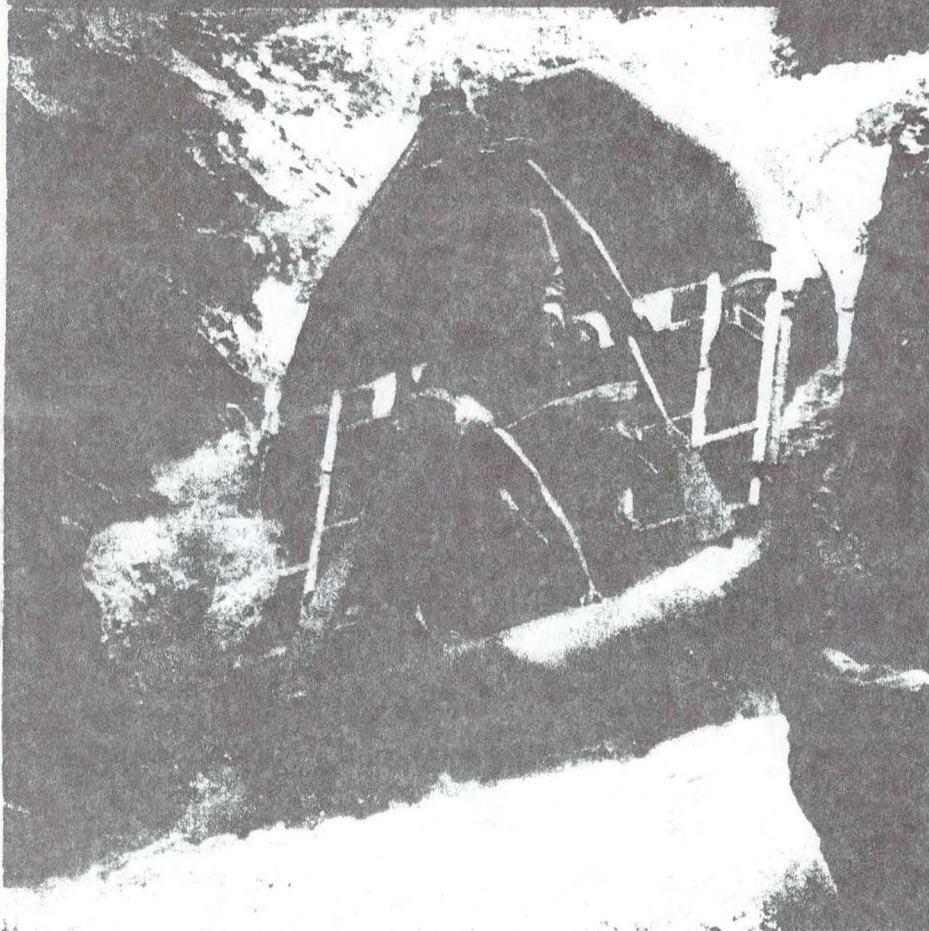
If possible, please send us a copy of your memo to the Forest Service, so that we can tell our members, through *CURRENTS* Magazine, that you supported them on this issue.

Thank you in advance for helping us on this issue. Wilderness rivers and other natural areas mean a lot to our members, and to most Americans. We deeply appreciate your concern.

□□□□□□□□□□□□□□□□

Your Congressmen (your Representative and your state's two Senators) have already received this letter. But chances are you will take your voice, as one of their constituents, to make them act. Write or call their offices to let them hear your concern for this issue. Their phone numbers are in your phone book, or call your county clerk. Remember the "comment period" ends approximately June 1 (watch *CURRENTS* for news of extensions.) Speak up today!

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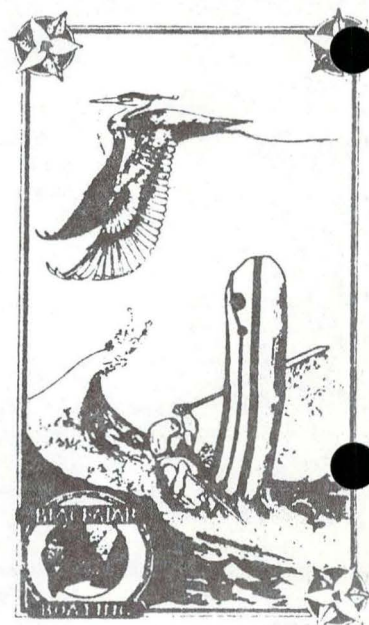
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IV. Reservation of Authority

Section 21. Reservation of Authority.
There is hereby reserved to the Administrator, or to the individual designated to act in his/her stead, the following:

- (a) The initiation, change, or discontinuance of major program activities.
- (b) The issuance of regulations pursuant to law.
- (c) The transfer of functions between Deputy Administrators.
- (d) The reprogramming of the use of appropriated funds among Deputy Administrators.
- (e) The transfer of funds between work projects within each Deputy Administrator's area, except those not exceeding 10 percent of base funds, or \$50,000 in either work project, whichever is less.
- (f) The approval of any change in the formal organization, including a section, its equivalent, or higher level.
- (g) The making of recommendations to the Department concerning establishment, consolidation, change in location, or abolishment of: (1) Regional, State, area, and other field headquarters offices, and (2) any region or other program area that involves two or more States, or that crosses State lines, except inspection circuits which are adjusted by the Deputy Administrator.
- (h) Authority to establish, consolidate, or change a location, or abolish any field office, or change program area boundaries not included in (g) above.
- (i) Approval of all appointments, promotions, and reassignments in GS-14 and above.
- (j) Approval of all appointments, promotions, and reassignments of employees to foreign countries.
- (k) Approval of budget estimates for submission to the office of the Secretary, Office of Management and Budget, and the Congress.
- (l) Approval of all long-term training assignments and all assignments made under the Intergovernmental Personnel Act.
- (m) Approval of all cash awards for employees in positions of grades 15 and above.

Section 23. Availability of Information and Records. Any person desiring information or to make submissions or requests with respect to programs and functions of the Agency should address his request to the appropriate Deputy Administrator, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. The availability of information records of the Agency is governed by regulations

published in 7 CFR Part 1 and 9 CFR Part 290.

This notice is effective April 7, 1983.

Done at Washington, D.C., on April 1, 1983.

Donald L. Houston,
Administrator, Food Safety and Inspection Service.

(FR Doc. 83-0122 Filed 4-7-83; 9:45 am)

BILLING CODE 3410-048-M

Forest Service**Outfitting and Guiding Permits; Proposed Policy**

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed policy.

SUMMARY: The Forest Service is proposing revised policy and procedures for the issuance and administration of special use permits authorizing outfitting and guiding activities on National Forest System lands and waters. The proposed material is intended for publication in Chapter 2720 of the Forest Service Manual. Its purpose is to provide common direction to Forest Service management units in receiving and processing special use permit applications, preparing and issuing permits, administering those permits, and making decisions on outfitting and guiding activities. The Forest Service is publishing this proposal for the purpose of seeking comments and recommendations in written form from agencies of State, local, and Federal government, groups and organizations, and individuals with an interest in this matter.

DATE: Comments must be received in writing on or before June 7, 1983.

ADDRESS: Comments may be mailed to R. Max Peterson, Chief (2300), Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Robert A. Wier, Recreation Management, Forest Service, USDA, Room 4247, South Building, 12th and Independence Avenue, SW, Washington, DC 20013, (202) 447-2311.

SUPPLEMENTARY INFORMATION: For the past 2 years, the Forest Service in cooperation with the Bureau of Land Management, USDL, has been reviewing outfitting and guide permitting policies and procedures with the objective of formulating changes which would improve the clarity of existing directives and result in greater consistency of interpretation and application. A number of problems with existing policy were identified and, in February of 1982, an options paper was prepared and informally circulated to interested

members of the public, user groups, and Forest Service field offices. Comments on the following five issues were sought: (1) Fees paid to the Government, (2) transfer of permits, (3) award of permits, (4) speculation on permit privileges, and (5) operators without permits and licenses. In addition to the input from Forest Service field officers, over 1,200 written comments were received. An analysis of the comments received is available for public review at the Forest Service offices indicated above.

During the course of preparing the proposed policy, Forest Service officials informally consulted with officials of other Federal agencies, national conservation organizations, outfitter industry leaders, members of congress, and others with interest in the subject matter.

The proposed policy responds to the various concerns expressed through this public involvement effort.

Several major changes from current policy direction are included in the proposal. Under certain condition, permits could be issued for longer periods of time than is presently allowed. Modified fee rates and a revised method of fee calculation are also proposed.

Much of the proposal is new policy direction. Under the proposal permit holders would be subject to periodic performance reviews. New direction for handling institutional and semi-public outfitting and guiding activities is included. The direction for reissuance of permits to current permit holders and for issuance of permits to purchasers of currently permitted outfitting businesses is also new.

These proposed changes in permit policy and procedures are designed to improve the stability of the outfitter and guide industry and, thereby, lead to better recreation service for National Forest users. In addition, the revised method of fee calculation proposed herein would assure that the government receives, as required, fair market value for permitted services. By expansion and clarification of the permitting process, the proposed policy would also improve consistency of administration of permitted activities by Forest Service field units.

TITLE 2700—LAND USES MANAGEMENT**Chapter 2720—Special Uses**

Contents	
2721.53a	Definitions
2721.53b	General Policy
2721.53c	Applications and Permit Award
2721.53d	Permit Preparation and Conditions of Use

2721.53e Permit Administration**2721.53f Fees****2721.53g Permits for Institutional and Semi-Public Outfitter and Guiding Activities****2721.53 Outfitter and Guide**

This designation covers the provision of outfitting and guiding services to recreation visitors where little or no development or permanent improvement on the land is required. Normally, the use occurs in general Forest environment areas toward the more primitive end of the Recreation Opportunity Spectrum, but it may occur anywhere.

Permits are issued primarily for the purpose of meeting a general public need but may also be issued as a convenience to individuals or organizations serving selective or restrictive clientele. Permits are issued as the means of encouraging skilled and experienced individuals and companies to conduct outfitting and guiding activities which provide equipment and assistance to National Forest visitors. For example, outfitter/guide type permits are issued for such activities as packing, hunting, float trips, canoe or horse liveries, ski touring, helicopter skiing, jeep touring, and fishing.

Permits authorizing the construction or placement of substantial and permanent improvements on the land will normally be issued under a use category other than outfitting/guiding, even though the developed site on which the improvements are located may serve as the base of operations for an outfitter/guide business. If appropriate, structures such as corrals, shelters, tent frames, and the like may be authorized under outfitter/guide type permits, but permits authorizing substantial permanent structures shall be classified under a developed site category such as resort (FSM 2721.33); rental service (FSM 2721.54); or store, shop, office (FSM 2721.57).

Sponsored, organized, and supervised trips approved by the Forest Service in advance to perform work of benefit to the United States in administration and protection of National Forest System lands will not be covered by special use permit. They are properly covered by cooperative agreements as described in FSM 1500, or volunteer agreements as described in FSM 1830. Typical National Forest System benefits received under these agreements include trail maintenance cleanup, tree planting, range revegetation, and similar work. Examples include conservation group service trips, youth group planting projects, and civic club cleanup projects.

2721.53a Definitions

Guiding. Includes the provision of assistance, protection, supervision, education, training, transportation, interpretation, and guiding services. It includes such personal services as leading, teaching, cooking, packing, or otherwise assisting recreationists in their pursuit of a natural resource-based outdoor recreation experience.

Outfitting. Includes the provision of equipment, supplies, livestock, and materials. It includes such outfitting services as rental of boats, skis, horses, tents, and other equipment or gear.

Service Day. A service day is a day or part of a day for each individual accompanied or provided services, including transportation services, by a packer, outfitter, guide, leader, or instructor. Beginning and ending days of a trip or service period will be considered as full days. Where supply or drop service alone is performed, the full or fractional days involved multiplied by the number of clients in the party equals service days. Any period of time when clients, individually or in groups, are on the National Forest and under the direction or tutelage of a guide will be counted as part of the total service days use for fee calculation purposes.

2721.53b General Policy

1. Permits may be issued to qualified applicants whose services are marketed and available to all members of the public on a recurrent basis during the season of demand and when the proposed use (a) is identified in an approved Forest Land and Resource Management Plan or implementation plan, (b) provides a needed public service, and (c) assists in the management and utilization of National Forest System resources.

2. Under the direction included in 2721.53g, institutional and semi-public permits may be issued as a convenience to individuals and organizations serving selective or restrictive clientele.

3. Those outfitters based on non-National Forest System land who rent equipment or livestock to the public for use on National Forest land must obtain a permit if they or their employees occupy or use a National Forest in connection with their rental program. For example, a permit is required if a boat livery operator provides service, including delivery or pickup of boats at National Forest sites. No permit is necessary if the operator's customers transport the boats to and from the National Forest locations.

4. Except for institutional type permittees as described in FSM 2721.53g,

each current outfitter/guide permit holder will be assigned an amount of use. This amount will be established in terms of number of service days, type of permitted activity, and resource area (wilderness, wild river, etc.) within which the activity is permitted. The amount of use shall be based on the average annual actual use which is permitted during the previous 3 years at the time of calculation. When established, this amount of use shall constitute a Forest Service commitment to the holder to give priority consideration in allowing that level of use until the Forest Land and Resource Management Plan, or other formal written plan prepared pursuant to Section 6 of the National Forest Management Act and regulations promulgated thereunder (36 CFR Part 219), is completed or revised and approved. Use above this level may be authorized for one season at a time, but such temporary authorization does not commit that amount to a permanent authorized use.

5. Permits will be required whether the duration of the trip is a few hours or an extensive number of days.

6. Permits shall be issued under the authority of the Act of June 4, 1897, only on Form 2700-4.

7. An operating plan will be required as a part of all permits.

8. Waiver or discount of fees may be considered only in those circumstances provided in 2721.53g, paragraph 8.

2721.53c Applications and Award of Permits

1. Form 2700-3, Special Use Application, will be used to describe the services to be performed, the number of service days, lands to be occupied, and other elements involved, including modes of transportation, season of use, scheduling, etc. Application procedures established at 36 CFR 251.54 are fully applicable to outfitter/guide applications. Additional application policies and procedures are set forth in FSM 2721.

2. In reapplying for a permit, current holders must be able to show that they continue to have the financial and business ability, resources, and technical skills to fulfill the conditions of the permit.

3. Reissuance of Permits

a. Except for institutional type permittees as described in FSM 2721.53g, permits shall be reissued to current permit holders. Reissuance will be based on FLRMP's/Multiple Use Plan's or Implementation Plan's objectives and direction, the holder's

past performance record, and their current financial capability/viability.

b. If a change of ownership is expected, the holder must arrange for the prospective new owner to meet with the Forest Service to discuss the past operation and future use prior to concluding the sale or applying for a new permit.

c. Except for institutional type permittees as described in FSM 2721.53g., permits will be reissued to qualified purchasers of currently permitted businesses. The relinquishment/application submitted by the buyer and seller must be accompanied by an executed and recorded contract to purchase, probated will, bill of sale, or other equivalent document that shows a bona fide conveyance of a substantial proportion of the private land, equipment, or other assets previously used in the business. Permits will be issued only if the seller has operated each year of the past 2 years and has performed to an acceptable standard for the past 2 years as determined through evaluation (FSM 2721.53e, paragraph 2).

4. New Permits.

a. New or additional opportunities for outfitting/guiding services may occur, as a result of:

(1) Increased allocation, capacity or public need identified through completion or revision of a Forest Land and Resource Management Plan (FLRMP) or implementation plan.

(2) Termination or non-reissuance due to abandonment or application denial of an existing permit, leaving unused allocation or capacity available.

(3) Competitive interest in an area, unit, or activity where no previous authorized use exists.

(4) Interest arising in an area, unit, or activity where no previous authorized use occurred, and where competitive interest is lacking at this time.

Proposals will be invited for situations fitting (1) and (2) above to select the best qualified applicant(s). Invitees may be limited to existing permit holders at the discretion of the Forest Officer. For example, two or more current holders may be marginally economical, and the added allocation or capacity would help ensure better service to the public. In such cases, the invitees could be limited to existing economically marginal holders, or to permittees whose use has been recently reduced or discontinued due to planning decisions. In determining the best qualified applicant, consideration shall be given to past experience in the general area, financial ability, and past performance record.

For situation (3), the Forest Service invites proposals and selects the best

qualified applicant(s). Invitations will be extended to all parties with a known interest, including existing holders.

Once a holder is selected through "invitation for proposals", reissuance procedures for current permit holders will be followed (FSM 2721.53c., Paragraph 3.a.) in the future.

For situation (4), following a formal determination of no competitive interest (i.e., newspaper article scoping document, (EA), permits would be issued to the first qualified applicant.

5. Changes Resulting from Plan Revisions. In some situations, the completion or revision of a FLRMP or implementation plan may direct a level of outfitting/guiding use below present levels. This direction may be based on better data about resource capability, adverse resource impacts, or carrying capacity limitations. The following examples and policies identify how these situations shall be managed:

a. FLRMP or implementation plan sets a carrying capacity that is lower than current use. In this event, three options shall be available to the Forest Officer after consultation with outfitters, State and local agencies, and other interested parties:

(1) Proposals shall be invited to select the most qualified applicant(s) to provide reduced levels of service. Invitees shall be limited to existing holders.

(2) Service days may be reduced proportionately for all current holders.

(3) Service days may be reduced based on past actual use or voluntary reductions.

b. FLRMP or implementation plan concludes that there are too many outfitters/guides. Such a situation might arise when large numbers of outfitters/guides may be operating in an area, unit, or river without a majority of outfitters/guides providing a sufficient, desired level of service to be efficient or profitable in that area, unit, or activity. In this event, proposals shall be invited from the current permit holders to select the best qualified applicant(s).

2721.53d Permit Preparation and Conditions of Use

1. Approved mandatory and optional clauses for consideration are included in FSM 2780.

2. Permits may be issued for variable periods not to exceed 5 years. To the extent possible, the permit period shall coincide with review and revision dates of the Forest Land and Resource Management Plan (FLRMP). Two factors shall be used for determining the duration or length of period. The Forest Supervisor shall consider as a minimum:

a. Management objectives and direction established in FLRMP, Multiple Use Plans, or implementation plans which recognize such factors as carrying capacity, recreation experience levels and opportunities, and public need in relation to specific outfitting and guiding services.

b. The outfitter/guide permit holder's experience, qualifications, and performance during the last permit period. If a holder performs at the "acceptable" performance level (FSM 2721.53e, paragraph 2) for the last permit period, they would qualify for a permit period of 5 years maximum. A holder with a "probationary" level would qualify for a permit not to exceed 1 year. Continued operation at probationary level may lead to future denial of permit applications. Permittees receiving unacceptable ratings shall be subject to termination actions and may be ineligible for reissuance of permits.

3. Applicants who receive a permit, but who have no Forest Service record of past performance, may be issued permits annually for 2 years to provide a performance evaluation period, after which the duration of future permits shall be established based on item 2 above. Examples of such applicants would be a successor in interest to an existing business or an applicant selected through an "invitation for proposal."

4. Except where the outfitter/guide is an employee or agent of a permitted resort, outfitter/guide permits must be issued to the individual or entity making direct use of National Forest System land, rather than to an organization that merely promotes trips and handles reservations.

5. The modes of transportation to be used shall be specified in the permit.

6. A separate grazing permit for pack and saddle stock shall be issued. Grazing use is governed by instructions in FSM 2210 and 2230 and incorporated in the outfitter/guide permit. Actual grazing use records will be kept and such use reported in the annual grazing statistical report (FS 2200-J). Horses under livestock use permits (FSM 2230) are sometimes utilized in outfitting and guiding activities. When this occurs, separate records will be kept for use made under livestock use permits and outfitter guide permits. Each type of use will be included in Report FS 2200-J. Where pack and saddle stock are grazed outside the scope of the outfitter-guide permit, use will be governed by policies in FSM 2230.

7. To the extent possible, planned use of specific campsites will be listed in the permit or operating plan. In those cases

where an itinerary and campsite use are not specified, camp use will be shown on the permit as undesignated. The total number of service days in each service day fee category will be entered in the permit.

8. Holders will be required to provide the authorized officer with reasonably accurate information through an actual use report at least annually within 30 days of the close of the operating season.

2721.53a. Permit Administration

1. Subletting will not be approved. If a holder is unable or unwilling to provide the permitted services, the permit shall be terminated.

2. Outfitter/guide permit holders shall be subject to annual performance evaluations. Forest Supervisors shall develop performance review standards for inclusion in each special use permit and/or operating plan in consultation with District Rangers, the permittee, outfitter/guide associations, State Fish and Game agencies, State outfitter/guide licensing agencies, councils and other State and Federal land managing agencies.

Performance reviews will recognize three different levels: Acceptable, Probationary, and Unacceptable.

The degree of compliance with conditions of the permit and operating plan shall be an important consideration in the evaluation. The review and rating shall be completed annually at the end of the operating season and the permit holder shall be advised of the finding. To the extent allowed by laws and regulations, ratings will be confidential between the Forest Service and permittee.

3. During the course of the season of use, permitted operations will be monitored to verify compliance with the provisions of the permits.

4. Illegal or "Pirate" outfitters are outfitters or guides who operate on National Forest lands without a permit and/or a State license where one is required. This type of operator is a particular problem in activities such as backpacking, whitewater use, and hunting. Forest Supervisors and District Rangers are encouraged to work with State and local authorities, outfitters, and outfitter/guide organizations to resolve the problem. Permits holders are expected to share the responsibility of dealing with unauthorized use and users. Pirate outfitter cases will be investigated and administered as a law enforcement action according to procedures in FSM 5300.

2721.53f Fees

For the purpose of administering fee collections for outfitter/guide permits, the following shall apply:

1. Outfitter/guide fees are determined according to the category listed below which best represents the type of operation:

a. For outfitter/guide activities and services authorized in connection with other permitted commercial, public service use, such as a resort, fees are included in the fee determination for the total authorized use under the Graduated Rate Fee System (GRFS). Where outfitting/guiding was not anticipated or included as part of the commercial public service operation at permit issuance, the commercial, public service term permit may be amended with the holder's concurrence, or a separate permit issued.

b. For outfitter/guide activities and services authorized as a distinct activity or service, but which are not a part of an authorized commercial public service use, provision shall be made for payment of the following fees, as appropriate to the use:

(1) A fee for the permit privileges and use of National Forest System lands based upon the planned service days authorized.

(2) An annual rental fee for the exclusive use of National Forest System lands.

(3) Where grazing of livestock used in connection with outfitter/guide services during the use season is authorized outside of special use pastures or convenience enclosures, an additional fee shall be charged for such grazing use based on FSM 2230.

2. Service Day Fees.

a. Fees for permitted service days are calculated by multiplying the number of service days authorized by the outfitter's adjusted service day client charge shown below:

Outfitters adjusted service day client charge	Service day fee due FS
\$1 to 8.00.....	\$0.25
8.01 to 20.00.....	.40
20.01 to 35.00.....	.80
35.01 to 50.00.....	1.30
50.01 to 75.00.....	1.90
75.01 to 100.00.....	2.60
100.01 to 125.00.....	3.40
125.01 to 150.00.....	4.10
150.01 to 175.00.....	4.90
175.01 to 200.00.....	5.60
200.01 to 250.00.....	8.75
250.01 to 300.00.....	8.25
300.01.....	9.00

NOTE.—Fee increases to be phased in over 3 years starting in 1984.

b. Service day fees are due and payable in advance. If annual fees exceed \$500, the issuing officer may

exercise discretion to accept partial payment in an amount not less than 25 percent at the time of permit issuance with the balance payable in three equal amounts during the use period on dates to be established by the issuing officer.

c. The adjusted service day client charge recognizes that operators provide variable discounts to certain customers and groups as a common business practice. Applicants shall furnish documents reflecting their planned customer rate schedules for the use season and evidence of their discounting program. Documents may include advertising material, brochures, or a signed letter to the authorized Forest Officer reflecting customer rates and discounting program. This material shall be retained with the permit file.

An additional adjustment may be made if the advertised daily rate includes long distance transportation costs or off-Forest lodging in local communities. All other customer charges for services provided and reflected in the advertised daily rate are included in the adjusted service day client daily charge. Transportation or lodging adjustments must be supported by documents provided by the applicant.

d. The minimum annual fee for service day use is \$100. Regional Foresters are authorized to establish higher fees per service day or higher minimum annual fees when appropriate.

e. If a holder secures business in addition to that initially authorized, an amended application shall be prepared. Upon approval, any additional service day fees due shall be collected through supplemental billing.

f. Refunds of service day fees paid will not normally be made. However, upon application, refunds may be made at the discretion of the authorized officer when anticipated business is lost due to conditions beyond the holder's control, provided that the nonuse is reported to the authorized officer in sufficient time to allow allocation of the nonuse to other holders, if appropriate. Partial refunds amounting to less than the \$100 minimum fee will not be made, but may be credited toward next year's fees.

3. Exclusive Occupancy Fee

a. In addition to the service day fee, outfitter/guide permits shall require payment of land use fees for the occupancy of National Forest System lands reserved for, or exclusively used in, the outfitter/guide operation or service. Examples may include, but not limited to, base camps, caches, corrals and loading facilities, boat launches, and helispots. A minimum annual rental fee of \$100 is established

for each site reserved for, or exclusively used by, the outfitter/guide in the permitted season of operation.

b. Exclusive occupancy fees will not be incorporated for use periods of less than 1 year, and are not subject to waiver, reduction, or discount.

c. Refunds or credits of exclusive occupancy fees paid will not be authorized.

4. The total fee determined for an outfitter/guide permit shall be calculated on a fee determination statement (FSM 2715) and billed as a single amount, to be deposited to recreation use (FSM 6530).

2721.53g. Permits for institutional and semi-public outfitter and guiding activities

Permits for these activities are issued on an opportunity basis rather than as a means of implementing Forest Service planning decisions and objectives. Schedules and services may fluctuate from season to season or year to year as may fit the programs of the applicant.

Holders include a variety of membership or limited constituency institutions such as religious, conservation, youth, fraternal, service club, and social groups; schools, colleges and universities; and similar common interest organizations and associations.

It also includes current permit holders who operate commercially on a limited intermittent or irregular basis in providing service to select customer clientele rather than the public at large. Institutional and semi-public outfitting and guiding activities shall be administered under the following policies:

1. Non-renewable annual or trip permits may be issued when the Forest Officer determines the use can be accommodated without causing unacceptable conflict or resource impacts and is in the public interest. The permitted activities must be consistent and compatible with applicable laws, regulations, and Forest Service policies.

2. Applicants must demonstrate financial and technical ability to fulfill the terms of the permit.

3. The permit may be issued for either (a) one trip or (b) a duration of 1 year or less when the use involves several trips.

4. Commitments to give priority consideration for future use shall not be given for institutional or semi-public trip permits.

5. Annual permits issued for continuing intermittent use during the year shall require an operating plan. No plan is necessary for trip permits.

6. Documented performance reviews are not required.

7. The modes of transportation and the amount of use expressed in service days will be specified in the permit.

8. Fees will be established as generally provided in FSM 2721.53f; however, certain organizational type of holders may qualify for reduced fees. When the programs and recipients are comparable, and qualify under the provisions of 36 CFR 251.57(b)1-4 and FSM 2715, the fee reduction described in FSM 2721.13, 2723.17 and 2726.22 may be applied to the service day fee. For example, a 60 percent discount may be applied to the service day fee otherwise due, when the use is outfitting and guide service for organized youth program use. As an illustration, if an outfitter provides a service to priority 2 recipients, otherwise providing for a \$3 per service day fee due the Forest Service, the fee due in this case would be (3 × 60 percent) or \$1.80 per commercial service day. Disadvantaged and handicapped use shall be discounted 75 percent. Discounted fees are subject to the \$100 minimum annual fee for service days.

R. Max Peterson,
Chief.

April 4, 1983.

(FR Doc. 83-6235 Filed 4-7-83; 8:46 am)

BILLING CODE 3410-11-M

Soil Conservation Service

Alta Loma Ditch Rehabilitation Land Drainage RC&D Measure, Texas; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Alta Loma Ditch Rehabilitation Land Drainage RC&D Measure, Galveston and Brazoria Counties, Texas.

FOR FURTHER INFORMATION CONTACT: Billy C. Griffin, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main, Temple, Texas 76503, telephone 817-774-1214.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally-assisted action indicates that the project will not cause significant

local, regional, or national impacts on the environment. As a result of these findings, Billy C. Griffin, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan to provide adequate drainage outlets for farmers. Plan components include ditch excavation, drop pipes, critical area planting, fencing and livestock management.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Billy C. Griffin.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the Federal Register.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: March 30, 1983.

Billy C. Griffin,

State Conservationist.

(FR Doc. 83-9224 Filed 4-7-83; 8:45 am)

BILLING CODE 3410-16-M

Sequoyah Park Critical Area Treatment RC&D Measure, Oklahoma; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Sequoyah Park Critical Area Treatment RC&D Measure, Cherokee County, Oklahoma.

2720
May 30, 19

OUTFITTER OPERATING PLAN

This plan describes mutually agreed upon stipulations pertinent to the attached Special Use permit.

To clarify commercial requirements pursuant to clause #38 (X-96), of the attached Special Use permit, shall become a part of the terms of that permit when approved by the parties involved.

_____ on _____
Permittee Date

Accepted by _____ Date _____
Permittee

Accepted by _____ Date _____

Cliff Blake
District Ranger
Middle Fork Ranger District

PREFACE

The purpose of this operating plan is to establish practical and functional guidelines that are not already covered by the Outfitter and Guides Special Use permit.

This document represents a thoughtful and conscientious attempt on the part of the Forest Service and the Outfitter to clarify outfitting procedures with respect to commercial float trip operations on the Middle Fork of the Salmon River

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